

MINNEAPOLIS CITY COUNCIL OFFICIAL PROCEEDINGS

REGULAR MEETING OF NOVEMBER 18, 2005

(Published November 26, 2005, in *Finance and Commerce*)

Council Chamber
350 South 5th Street
Minneapolis, Minnesota
November 18, 2005 - 9:30 a.m.

Council President Ostrow in the Chair.

Present - Council Members Lilligren, Johnson Lee, Niziolek, Benson, Goodman, Lane, Samuels, Johnson, Zimmermann, Schiff, Zerby, President Ostrow.

Absent – Council Member Colvin Roy.

Lilligren moved adoption of the agenda. Seconded.

Niziolek moved to amend the agenda by adding under Motions an ordinance introduction relating to Truth In Sale of Housing report being required for Condominium Conversions. Seconded.

Adopted upon a voice vote.

The agenda, as amended, was adopted upon a voice vote 11/18/05.

Absent – Colvin Roy.

Lilligren moved acceptance of the minutes of the regular meeting held November 4, 2005 and the adjourned session of November 10, 2005. Seconded.

Adopted upon a voice vote 11/18/05.

Absent – Colvin Roy.

Lilligren moved referral of petitions and communications and reports of the City officers to the proper Council committees and departments. Seconded.

Adopted upon a voice vote 11/18/05.

Absent – Colvin Roy.

PETITIONS AND COMMUNICATIONS

COMMUNITY DEVELOPMENT (See Rep):

COMMUNITY PLANNING & ECONOMIC DEVELOPMENT (270781)

Sale of Property: Authorize sale of 2625 University Av NE and 411 E 35th St.

Midtown Exchange Project: Sale of Enterprise Zone Revenue Bonds for Sheraton Hotel Project and Midtown Exchange Parking Ramp projects.

Seed Academy Harvest Preparatory School Project (1300 Olson Memorial Highway): Sale of revenue bonds.

2005 Emergency Shelter Grant Program Funding: Approve funding for Simpson Housing Services, St. Anne's Place and Bridge Center for Youth.

COMMUNITY DEVELOPMENT and WAYS & MEANS/BUDGET (See Rep):

FINANCE DEPARTMENT (270782)

Community Development Block Grant (CDBG): Approve reprogramming of administrative and public service funds.

COMMUNITY PLANNING & ECONOMIC DEVELOPMENT (270783)

West Broadway Redevelopment Plan: Modification No. 6 expanding the boundaries and adding objectives.

Theatre Insurance: Purchase of insurance from St. Paul Travelers Insurance Company for the State, Orpheum, Pantages and Hennepin Stages Theatres and the Orpheum Skyway and the Stimson Building.

HEALTH AND HUMAN SERVICES:

HEALTH AND FAMILY SUPPORT SERVICES (270784)

Chronic Homelessness: Request to transfer funds from CPED to Health & Family Support to fund City/County Coordinator on Homelessness position.

HEALTH AND HUMAN SERVICES and WAYS & MEANS/BUDGET (See Rep):

HEALTH AND FAMILY SUPPORT SERVICES (270785)

Health/Medical Services and Human/Social Services: Approve five-year Eligible Providers list for community agencies and governmental entities approved through a competitive Request for Proposals process; and Execute Master Contracts utilizing the Fund Availability Notice process when project funds become available.

Biological Events: Execute agreement with Hennepin County for public health response services by County when a biological event requires greater than "routine" work; and Utilize Fund Availability Notice process under City's Master Contract with Hennepin County to execute agreement.

Steps to a Healthier Minneapolis Project: Issue Request for Proposals for community services in target areas of Minneapolis.

PUBLIC SAFETY AND REGULATORY SERVICES:

POLICE DEPARTMENT (270786)

Police Community Relations Council (PCRC): Update report.

PUBLIC SAFETY AND REGULATORY SERVICES (See Rep):

INSPECTIONS DEPARTMENT (270787)

Chapter 249 Property at 3301 Colfax Av N: Authorize demolition of property.

LICENSES AND CONSUMER SERVICES (270788)

Dixies Calhoun (2730 W Lake St): Grant On-Sale Liquor Class A with Sunday Sales License, subject to prohibiting Adult Entertainment (change in ownership).

Licenses: Applications.

LICENSES AND CONSUMER SERVICES (270789)

Tommy's Tea Bar (213 Oak St SE): Deny On-Sale Liquor Class E with Sunday Sales License (new business).

REGULATORY SERVICES (270790)

2005 Special Assessment Levies: Approve levies; and Direct the Director of Hennepin County Property Taxation Department to place assessments against certain properties to defray the cost of work performed under authorization of the Inspections Division to correct nuisance or hazardous conditions:

- a. Levy 1080 - Removal of Offensive Matter (rubbish) - \$242,161.66
- b. Levy 1081 - Removal of Offensive Matter (weeds) - \$73,183.50
- c. Levy 1084 - Removal of Offensive Matter (hazardous trees) - \$55,286
- d. Levy 1085 - Removal of Offensive Matter (brush and plant growth) - \$36,399
- e. Levy 1086 - Inoperable Vehicle Tow Administrative Fees - \$20,250
- f. Levy 1089 - Unpaid Administrative Citations - \$219,000

- g. Levy 1096 - Vacant/Boarded Housing Registrations - \$30,000
- h. Levy 1097 - Reinspection Fees - \$44,700
- i. Levy 1098 - Securing of Buildings (Police Board Up) - \$113,988
- j. Levy 1099 – Securing Abandoned Buildings - \$115,705.

REGULATORY SERVICES (270791)

Administrative Issuance of Business Licenses: Ordinances allowing the Director of Licenses and Consumer Services to administratively approve and issue certain business license applications; and establishing an appeal process for denied licenses.

Chapter 68 relating to Animals and Fowl: Pet Shops, Kennels, Etc.; Chapter 188 relating to Food Code; Chapter 188 re Administration and Licensing; Chapter 198 re Soft Drink Manufacture and Storage; Chapter 200 re Milk and Dairy Products; Chapter 225 re Garbage and Refuse; Chapter 231 re Public Swimming Pool Code; Chapter 259 re In General; Chapter 265 re Special Permits for Specific Businesses and Uses; Chapter 267 re Amusements; Chapter 277 re Building Trades Licenses; Chapter 278 re Heating, Ventilating and Air Conditioning, Gasfitting, Oil Plumbers/Gas Fitter, Refrigeration and Steam and Hot Water Installers; Chapter 279 re Christmas Tree Dealers; Chapter 283 re Courtesy Benches; Chapter 287 re Filling Stations and Bulk Oil Plants; Chapter 289 re Fire Extinguisher Sales and Service; Chapter 296 re Hospitals; Chapter 299 re Ice Sale and Manufacture; Chapter 301 re Laundries and Dry Cleaning Establishments; Chapter 320 re Vehicle Immobilization Service; Chapter 331 re Sidewalk Flower Cart Vendors; Chapter 341 re Taxicabs; Chapter 339 re Body Art Code; Chapter 349 re Wreckers and Tow Trucks.

REGULATORY SERVICES (270792)

Regulatory Services Business Plan: Approve five-year business plan; and Direct staff to report back with additional performance measures in first quarter 2006.

PUBLIC SAFETY AND REGULATORY SERVICES and WAYS & MEANS/BUDGET (See Rep):

POLICE DEPARTMENT (270793)

Financial Crimes Task Force: Execute contract with Minnesota Department of Public Safety to receive \$164,500 for Police Department participation by allocating one investigator to serve full-time for two-year period; and Approve appropriation.

Auto Theft Bait Vehicle Program: Execute lease agreement with National Insurance Crime Bureau to lease 1997 Toyota RAV vehicle for \$1 for undetermined time period as needed for program.

Donation to Police Department: Accept surveillance equipment, valued at \$16,000, from Folwell Center for Urban Initiatives to assist 4th Precinct in curbing gang activity and violence.

Retired Police Officer Firearm Qualifications: Amend report passed October 8, 2004 to decrease the fee charged to retired law enforcement officers who apply for a certificate to carry a concealed firearm from \$100 to \$50.

PURCHASING (270794)

Bid for Ammunition: OP #6517, accept low bid of Streicher's Inc to furnish and deliver ammunition for Police Range.

TRANSPORTATION AND PUBLIC WORKS:

XCEL ENERGY/NSP (270795)

Install new 45' pole on E 58th St for 5801 Nicollet Av, W.O. #10714462.

TRANSPORTATION AND PUBLIC WORKS (See Rep):

PUBLIC WORKS AND ENGINEERING (270796)

Special Service Districts: Approve special services, cost estimates, service charges and lists of service charges, and direct City Engineer to proceed with the work for the Uptown, Dinkytown, Central Av, Stadium Village, S Hennepin Av, 48th St E and Chicago Av S, 43rd St W and Upton Av S, and Hennepin Theatre District Special Service Districts.

Street Easement: Accept easement from Greenway Terrace LLC, 2850 Cedar Av.
2005 Levy of Various Public Works Special Assessments: Levy the assessments and adopt assessment rolls.

TRANSPORTATION AND PUBLIC WORKS and WAYS & MEANS/BUDGET (See Rep):

PUBLIC WORKS AND ENGINEERING (270797)

Vineland Place Municipal Parking Ramp: Adopt and levy special assessment and adopt assessment roll.

Columbia Heights Membrane Filtration Plant: Amend contract with Adolfson and Peterson for Change Order No. 4.

Fridley Water Facility: Authorize RFP for engineering services for electrical generators; Comments.

WAYS AND MEANS BUDGET:

FINANCE DEPARTMENT (270798)

Green Institute Section 108 HUD Loan Update: Receive and File.

WAYS AND MEANS BUDGET (See Rep):

ATTORNEY (270799)

Legal Settlements: a) Boone Trucking; b) Shamina Fitzpatrick; c) Tracy L. House; d) Dadirow Mohamed; and e) Matthew Rissanen.

Online Legal Research Services: Authorize 3-year contract with LexisNexis.

International Brotherhood of Electrical Workers (IBEW), Local #292: Authorize legal settlement of IBEW v. City of Minneapolis.

COMMUNICATIONS (270800)

Utility Bill Insert: January 2006 insert on behalf of the 311/911 (formerly MECC) announcing the new Minneapolis 311 services.

COORDINATOR (270801)

New Central Library Project - Bid Package No. 8: Accept OP# 6511 Low bids for Contract Category #17 - Audio Visual Systems with Dascom Systems Group, Inc.

EMERGENCY COMMUNICATIONS CENTER (ECC) (270802)

Computer Aided Dispatch (CAD) Services: Authorize 1-year extension providing CAD services to Hennepin County Medical Center (HCMC).

FINANCE DEPARTMENT (270803)

2005 Property Tax Special Assessment of Delinquent Utility Charges.

HUMAN RESOURCES (270804)

Job Bank Ordinance: Amending Title 2, Chapter 20 by clarifying the terms of Section 20.900 relating to COBRA Medical and Dental Insurance Premiums and changing the expiration date to December 31, 2008.

International Brotherhood of Electrical Workers, Local #292: Execute 2-year collective bargaining labor agreement; Authorize legal settlement of IBEW v. City of Minneapolis.

ZONING AND PLANNING (See Rep):

HERITAGE PRESERVATION COMMISSION (270805)

Appeal:

Lund Food Holdings, Inc (1208 Harmon Pl): Re Certificate of Appropriateness for rehabilitation of historic building.

INSPECTIONS/BOARD OF ADJUSTMENT (270806)

Appeal:

Doug & Gretchen Gildner (re Cher & Scott Harris property, 21 Park Lane): Re Variances for second story addition.

PLANNING COMMISSION/DEPARTMENT (270807)

Appeals:

Scott Durand, for Christopher Rodarte (3509 W 28th St): Re Variance for detached garage;

The Lander Group (2622 W Lake St): Re Conditional use permit & variance for mixed-use development;

D. Brad Fredericksen (re The Lander Group, 2622 W Lake St): Re Conditional use permits, variances, site plan review (see The Lander Group);

Loring Park Development Project (1367 Willow St & 1368 LaSalle Ave): Findings of Fact and Record of Decision document for mixed-use development.

PLANNING COMMISSION:

DELASALLE HIGH SCHOOL (270808)

Permission to vacate a Portion of Grove Street from Nicollet Street to East Island Road, Block 4, Nicollet Island; Block 1, Eastman's Second Addition to Minneapolis. For athletic facility to be shared by DeLaSalle High School and the Minneapolis Park and Recreation Board.

PROJECT FOR PRIDE IN LIVING, INC. (270809)

Vicinity of 13th Ave SE; Permission to vacate alley bordered by Lots 13 - 24, Block 2, Elwell's Third Addition to Minneapolis. The Public Alley is part of a flat parking lot behind lots 19, 20, 21, and the southern half of lot 22. On lot 23 there is a single family home that will be demolished. On the western side of the Public Alley is a grain elevator that will also be demolished. For the planned residential development of 88 units of rental housing and 60 units of for sale housing.

PROJECT FOR PRIDE IN LIVING, INC (270810)

Vicinity of 12h Ave SE & RR; Permission to vacate alley bordered by all of Lots 14, 15, 16, 17, and 18 and that portion of Lots 13, 19, 20, 21, 22 and 23, Block 1, Neill and Pratt's Addition to Minneapolis. For planned residential development of 88 units of rental housing and 60 units of for sale housing.

TENTH & NICOLLET, LLC, A MN LTD. LIABILITY CO. (270811)

Permission to vacate Alley bounded by 10th and 11th Streets, Nicollet and Marquette Avenues for a 55 story condominium.

FILED:

COUNCIL MEMBER LANE (270812)

Vacation of Office: Letter informing Council President Ostrow of Lane's intent to vacate the 13th Ward Council Office effective December 2, 2005 at 9:30 a.m.; and Resignation from all external organizations to which he is appointed.

CITY OF BROOKLYN PARK (270813)

Storm Damage: Resolution from the City of Brooklyn Park, presented by Mayor Steve Lampi, commending the City of Minneapolis for the very timely and important assistance given to the City of Brooklyn Park in Response to the September 21, 2005 storm which devastated Brooklyn Park.

FILED (See Rep):

THE LANDER GROUP (270814)

Letter of withdrawal of land use applications for mixed-use development, 2622 W Lake St. (See Zoning & Planning Committee reports)

The following reports were signed by Mayor Rybak on November 23, 2005, unless noted otherwise. Minnesota Statutes, Section 331A.01, Subd 10, allows for summary publication of ordinances and resolutions in the official newspaper of the city.

REPORTS OF STANDING COMMITTEES

The **CLAIMS** Committee submitted the following report:

Claims – Your Committee recommends passage of the accompanying Resolution approving and denying claims appealed from the Staff Claims Committee.

Adopted 11/18/05.

Absent - Colvin Roy.

Resolution 2005R-612, approving and denying claims appealed from the Staff Claims Committee to the Claims Committee of the Minneapolis City Council, was adopted 11/18/05 by the City Council. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized resolution.

RESOLUTION 2005R-612

By Zimmermann

Approving and denying claims appealed from the Staff Claims Committee to the Claims Committee of the Minneapolis City Council.

Resolved, by The City Council of The City of Minneapolis:

That the following claims appealed from the Staff Claims Committee be approved and denied as set forth below:

1. Mark Anthony Franz, 2121 S 9th St:
Sale of Vehicle (\$9,000)
Staff recommendation: Denial.
Claims Committee Action Taken: Remanded back to the Staff Claims Committee for negotiation with claimant not to exceed \$4,500.
2. George Rosenquist, 121 Washington Av S:
Bodily Injury (\$25,000)
Staff recommendation: Denial.
Claims Committee Action Taken: Denied.
3. Jeff and Joan Wright, 4400 Fremont Av S:
Disruption (\$18,000)
Staff recommendation: Denial.
Claims Committee Action Taken: Denied.

Adopted 11/18/05.

Absent - Colvin Roy.

The **COMMUNITY DEVELOPMENT** Committee submitted the following reports:

Comm Dev - Your Committee recommends passage of the accompanying resolution authorizing sale of the property at 2625 University Av NE to Hanza S. Farah or an affiliated entity for \$24,000, subject to the following conditions:

- 1) Land sale closing must occur on or before 30 days from date of City Council approval; and
- 2) Payment of holding costs of \$150 per month from the date of City Council approval to the date of closing if land sale closing does not occur on or before 30 days from date of approval.

The sale conditions may be waived or amended with the approval of the CPED Director.

Adopted 11/18/05.

Absent – Colvin Roy.

Resolution 2005R-613, authorizing the sale of 2625 University Av NE to Hanza S. Farah, was adopted 11/18/05 by the City Council. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized resolution.

RESOLUTION 2005R-613

By Goodman

Authorizing sale of land (Vacant Housing Recycling Program Disposition Parcel No. VH-7)

Whereas, the City of Minneapolis, hereinafter known as the City, has received an offer to purchase and develop Disposition Parcel VH-7, in the Holland neighborhood, from Hanza S. Farah or an affiliated entity, hereinafter known as the Redeveloper, the Parcel VH-7, being the following described land situated in the City of Minneapolis, County of Hennepin, State of Minnesota to wit:

Legal Description

Lot 2, B.M. Morse's Rearrangement of Block 8 in B.S. Wright's Addition to Minneapolis.

Whereas, the Redeveloper has offered to pay the sum of \$24,000, for Parcel VH-7 to the City for the land, and the Redeveloper's proposal is in accordance with the applicable Redevelopment Plan and/or Program; and

Whereas, the Redeveloper has submitted to the City a statement of financial responsibility and qualifications; and

Whereas, the City has had the re-use value reviewed by an appraisal expert, stating that the re-use value opinion is consistent with the accepted methods in aiding the City in determining a re-use value for the Parcel; and

Whereas, pursuant to due notice thereof published in Finance and Commerce on October 28, 2005, a public hearing on the proposed sale was duly held on November 7th, 2005, at the regularly scheduled Community Development Committee meeting of the City Council, at the Minneapolis City Hall, 350 South 5th Street, Room 317, at 9:30 a.m., in the City of Minneapolis, County of Hennepin, State of Minnesota;

Now, Therefore, Be It Resolved by The City Council of The City of Minneapolis:

That the re-use value for uses in accordance with the Vacant Housing Recycling Program plan, as amended, is hereby estimated to be the sum of \$24,000 for Parcel VH-7.

Be It Further Resolved that the acceptance of the offer and proposal is hereby determined to be in accordance with the City's approved disposition policy and it is further determined that the Redeveloper possesses the qualifications and financial resources necessary to acquire and develop the parcel in accordance with the Redevelopment Plan and/or Program.

Be It Further Resolved that the proposal be and the same is hereby accepted, subject to the execution of a contract for the sale of land. Furthermore, that the Finance Officer or other appropriate official of the City be and the same is hereby authorized to execute and deliver the contract to the Redeveloper; provided, however, that this Resolution does not constitute such a contract and no such contract shall be created until executed by the Finance Officer or other appropriate official of the City.

Be It Further Resolved that the Finance Officer or other appropriate official of the City is hereby authorized to execute and deliver a conveyance of the land to the Redeveloper in accordance with the provisions of the executed contract and upon payment to the City for the purchase price thereof; provided, however, that this Resolution does not constitute such a conveyance and no such conveyance shall be created until executed by the Finance Officer or other appropriate City official of the City.

Adopted 11/18/05.

Absent – Colvin Roy.

Comm Dev - Your Committee recommends passage of the accompanying resolution authorizing sale of the property at 411 E 35th St to E T Investments, LLC for \$5,000, subject to the following conditions:

- 1) Land sale closing must occur on or before 30 days from date of City Council approval;
- 2) Payment of holding costs of \$150 per month from the date of City Council approval to the date of closing if land sale closing does not occur on or before 30 days from date of approval; and
- 3) The land will remain as green space and any variation from that status would require further City review.

The sale conditions may be waived or amended with the approval of the CPED Director.

Adopted 11/18/05.

Absent – Colvin Roy.

Resolution 2005R-614, authorizing the sale of 411 E 35th St to E T Investments, LLC, was adopted 11/18/05 by the City Council. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized resolution.

RESOLUTION 2005R-614
By Goodman

Authorizing sale of land (Model City Urban Renewal Program Disposition Parcel No. TF-280)

Whereas, the City of Minneapolis, hereinafter known as the City, has received an offer to purchase the Disposition Parcel TF-280, in the Central neighborhood, from E T Investments, LLC, hereinafter known as the Purchaser, the Parcel TF-280, being the following described land situated in the City of Minneapolis, County of Hennepin, State of Minnesota to wit:

Legal Description

The East 33 feet of Lot 28, Block 7, Clinton Avenue Addition to Minneapolis. Being registered property as is evidenced by Certificate of Title No. 1142771.

Whereas, the Purchaser has offered to pay the sum of \$5,000, for Parcel TF-280, to the City for the land; and

Whereas, the Purchaser has submitted to the City a statement of financial responsibility and qualifications; and

Whereas, on March 11, 2005, City Council approved the waiving of the Planning Commission's review of certain real estate transactions (including sideyard dispositions) that have no relationship to Comprehensive Plan; and

Whereas, the City has determined the offer of \$5,000 to purchase the Parcel to be reasonable; and

Whereas, the City has had the re-use value reviewed by an appraisal expert, stating that the re-use value opinion is consistent with the City's accepted methods in determining a re-use value for the Parcel; and

Whereas, the City's Real Estate Disposition Policy provided in Section 2.2.13 for the sale of land for sideyard; and

Whereas, pursuant to due notice thereof published in Finance and Commerce on October 28, 2005, a public hearing on said proposal and proposed sale and the provisions thereof, was duly held on November 7, 2005, at the Minneapolis City Hall, 350 South 5th Street, Room 317, at 9:30 a.m., in the City of Minneapolis, County of Hennepin, State of Minnesota; and

Now, Therefore, Be It Resolved by The City Council of The City of Minneapolis:

That the re-use value for the TF-280 is hereby estimated to be the sum of \$5,000.

Be It Further Resolved that the acceptance of the offer and Purchaser's proposal is hereby determined to be in accordance with the City's approved disposition policy and it is further determined that the Purchaser possesses the qualifications and financial resources necessary to acquire and maintain the Parcel in accordance with the contract for the sale of land.

Be It Further Resolved that the offer is hereby accepted, subject to the execution of a contract for the sale of land. Furthermore, that the Finance Officer or other appropriate official of the City is hereby authorized to execute and deliver the contract to the Purchaser; provided, however, that this Resolution does not constitute such a contract and no such contract shall be created until executed by the Finance Officer or other appropriate official of the City.

Be It Further Resolved that upon publication of this Resolution, the Finance Officer or other appropriate official of the City is hereby authorized to execute and deliver a conveyance of the land to the Purchaser in accordance with the provisions of the executed contract and upon payment to the City of the purchase price thereof; provided, however, that this Resolution does not constitute such a conveyance and no such conveyance shall be created until executed by the Finance Officer or other appropriate official of the City.

Adopted 11/18/05.

Absent – Colvin Roy.

Comm Dev – Your Committee, having under consideration the issuance of revenue bonds for the Midtown Exchange hotel and parking ramp projects and having held a public hearing thereon, now recommends passage of the accompanying resolutions:

a) Giving preliminary and final approval to the issuance of up to \$13,000,000 in Enterprise Zone Tax-exempt Revenue Bonds for the Sheraton Hotel Project at 2901 Chicago Av S by Sheraton Investment Fund, LLC; and

b) Giving preliminary and final approval to the issuance of up to \$16,000,000 in Enterprise Zone Tax-exempt Revenue Bonds for the Parking Ramp Project (on the east side of the former Sears Tower between 10th and 11th Av S) by Midtown Investment, LLC.

Adopted 11/18/05.

Absent – Colvin Roy.

Resolution 2005R-615, authorizing the issuance and sale of revenue bonds in an amount up to \$13,000,000 for the Sheraton Hotel Project (Midtown Exchange), was adopted 11/18/05 by the City Council. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized resolution.

RESOLUTION 2005R-615

By Goodman

Approving and authorizing the issuance by the City of Minneapolis of its Commercial Development Revenue Bonds (Sheraton Investment Fund, LLC), Series 2005, under Minnesota Statutes, Section 469.152-469.1651, as amended, to finance a project for the benefit of Sheraton Investment Fund, LLC and Midtown Exchange Hotel LLC; approving the form and authorizing the execution and delivery of related documents; and providing for the security, rights, and remedies of the owners of the Bonds.

Resolved by The City Council of The City of Minneapolis:

Section 1. Background

1.01. Under the Minnesota Municipal Industrial Development Act, Minnesota Statutes, Sections 469.152 through 469.165, as amended (the "Act"), each municipality and redevelopment agency of the State of Minnesota (as defined in the Act), including the City of Minneapolis, Minnesota (the "City"), is authorized to issue revenue obligations to finance improvements to land and buildings and capital equipment for the benefit of a revenue producing enterprise to be owned by a contracting party (as defined in the Act).

1.02. Sheraton Investment Fund, LLC, a Minnesota limited liability company (the "Borrower"), has requested that the City issue revenue obligations under the Act in a principal amount not to exceed \$13,000,000, to be designated as Commercial Development Revenue Bonds (Sheraton Investment Fund, LLC), Series 2005 (the "Bonds"). The Bonds are proposed to be issued pursuant to this resolution

and an Indenture of Trust, dated on or after December 1, 2001 (the "Indenture"), between the City and U.S. Bank National Association or another financial institution acceptable to the City, as trustee (the "Trustee"). The proceeds derived from the sale of the Bonds are to be applied to make a loan (the "Loan") to the Borrower pursuant to the terms of a Loan Agreement, dated on or after December 1, 2005 (the "Loan Agreement"), between the City and the Borrower. The Borrower will loan the proceeds of such Loan directly or indirectly to Midtown Exchange Hotel, Limited Liability Company, a Minnesota limited liability company (the "Company"), to finance the acquisition, construction, and equipping of a five-story, 136-room hotel to be located at 2901 Chicago Avenue South in the City (the "Project"). The Project will be owned by the Company.

1.03. The principal of, premium, if any, and interest on the Bonds: (i) shall be payable solely from the revenues pledged therefor under the terms of the Indenture and shall be secured solely by the terms of the Indenture and other security provided by the Borrower and the Company; (ii) shall not constitute a debt of the City within the meaning of any constitutional or statutory limitation; (iii) shall not constitute nor give rise to a pecuniary liability of the City or a charge against its general credit or taxing powers; and (iv) shall not constitute a charge, lien, or encumbrance, legal or equitable, upon any property of the City other than the City's interest in the Loan Agreement.

Section 2. Issuance of the Bonds

2.01. For the purposes set forth above, there is hereby authorized the issuance, sale, and delivery of the Bonds in the principal amount not to exceed \$13,000,000. The Bonds shall bear interest, initially at a variable rate, established by the terms of the Indenture and by the terms of a Remarketing Agreement, dated on or after December 1, 2001, between the Borrower and the Company and a remarketing agent to be selected by the Borrower and the Company acceptable to the City (the "Remarketing Agent"). The Bonds shall be numbered, shall be dated, shall mature, shall be subject to redemption prior to maturity, shall be in such form, and shall have such other terms, details, and provisions as are prescribed in the form of the Bonds in the Indenture now on file with the City. The Finance Officer is hereby authorized to execute and deliver the Bonds on behalf of the City in the manner authorized by the Charter of the City. The City hereby authorizes the Bonds to be issued as "tax-exempt bonds" the interest on which is not includable in gross income for federal and State of Minnesota income tax purposes.

All of the provisions of the Bonds, when executed and delivered as authorized herein, shall be deemed to be a part of this resolution as fully and to the same extent as if incorporated verbatim herein and shall be in full force and effect from the date of execution and delivery thereof. The Bonds shall be substantially in the form on file with the City, which is hereby approved, with such necessary and appropriate variations, omissions, and insertions (including reductions in the principal amount of the Bonds, the determination of the interest rates on the Bonds, the provisions for adjustment of the interest rate on the Bonds, and changes to the terms of redemption of the Bonds) as the Finance Officer of the City (the "Finance Officer"), in his discretion shall determine. The execution of the Bonds with the manual or facsimile signature of the Finance Officer and the delivery of the Bonds by the City shall be conclusive evidence of such determination.

2.02. The Bonds shall be a special revenue obligations of the City the proceeds of which shall be disbursed pursuant to the Loan Agreement, and the principal, premium, and interest on which shall be payable by the City solely from the revenues derived by the City from the Loan Agreement, assigned to the Trustee pursuant to the terms of the Indenture, and from other security provided by the Borrower and the Company to the Trustee. The Bonds are not general or moral obligations of the City, are not secured by any assets or property of the City (other than the interests of the City in the Loan Agreement), and are not secured by the faith and credit or taxing powers of the City. The City hereby authorizes and directs the Finance Officer to execute and deliver the Indenture to the Trustee, and hereby authorizes and directs the execution of the Bonds in accordance with the terms of the Indenture, and hereby provides that the Indenture shall provide the terms and conditions, covenants, rights, obligations, duties and agreements of the owners of the Bonds, the City, and the Trustee as set forth therein.

All of the provisions of the Indenture, when executed as authorized herein, shall be deemed to be a part of this resolution as fully and to the same extent as if incorporated verbatim herein and shall be in full force and effect from the date of execution and delivery thereof. The Indenture shall be substantially in the form on file with the City, which is hereby approved, with such necessary and appropriate variations,

omissions and insertions as do not materially change the substance thereof, or as the Finance Officer, in his discretion, shall determine, and the execution thereof by the Finance Officer shall be conclusive evidence of such determination.

2.03. The City hereby authorizes and directs the Finance Officer to execute and deliver the Loan Agreement and the Bond Purchase Agreement, dated on or after December 1, 2005 (the "Bond Purchase Agreement"), between the City, the Borrower, the Company, and the original purchaser of the Bonds (the "Underwriter"), in the forms now on file with the City. All of the provisions of the Loan Agreement and the Bond Purchase Agreement, when executed as authorized herein, shall be deemed to be a part of this resolution as fully and to the same extent as if incorporated verbatim herein and shall be in full force and effect from the date of execution and delivery thereof. The Loan Agreement and the Bond Purchase Agreement shall be substantially in the forms now on file with the City, which are hereby approved, with such necessary and appropriate variations, omissions, and insertions as the Finance Officer in his discretion shall determine. The execution of the Loan Agreement and the Bond Purchase Agreement with the manual or facsimile signature of the Finance Officer and the delivery of the Loan Agreement and the Bond Purchase Agreement by the City shall be conclusive evidence of such determination.

2.04. The Finance Officer and the staff of Community Planning and Economic Development are hereby authorized to assist in the preparation of an application to the Minnesota Department of Employment and Economic Development for approval of the Project, as required by Section 469.154 of the Act, and to take all actions necessary and appropriate to obtain such approval. The Bonds may not be issued until all public hearings and other actions that are a condition to such approval have been completed and until the approval of the Commissioner of the Minnesota Department of Employment and Economic Development has been obtained.

2.05. The Bonds shall be revenue obligations of the City the proceeds of which shall be disbursed pursuant to the Indenture and the Loan Agreement, and the principal, premium, and interest on the Bonds shall be payable solely from the proceeds of the Bonds, the revenues derived from the Loan Agreement, the revenues and assets pledged and assigned under the terms of the Indenture, and the other sources set forth in the Indenture. The Bonds will also be secured by an irrevocable letter of credit (the "Letter of Credit") issued by U. S. Bank National Association or another financial institution selected by the Borrower and the Company and acceptable to the City (the "Bank"). The Letter of Credit will be delivered to the Trustee on the date of issuance of the Bonds. Under the terms of the Indenture and the Letter of Credit, the Trustee is instructed to draw on the Letter of Credit to pay the principal, interest, and purchase price of the Bonds, when due. Pursuant to the terms of a Letter of Credit and Reimbursement Agreement, dated on or after December 1, 2005 (the "Reimbursement Agreement"), between the Borrower, the Company, and the Bank (the "Reimbursement Agreement"), the Borrower and the Company are obligated to reimburse the Bank for draws on the Letter of Credit and will secure such obligation with a mortgage lien on the Project and other security provided pursuant to the terms of the Reimbursement Agreement.

2.06. The Finance Officer shall execute and deliver, on behalf of the City, such instruments, certificates, and documents as are necessary or appropriate in connection with the issuance, sale, and delivery of the Bonds, including the City certificate relating to arbitrage, rebate, and other tax matters, an Information Return for Tax-Exempt Private Activity Bond Issues, Form 8038, and all other instruments, certificates, and documents as shall be requested in connection with the issuance, sale, and delivery of the Bonds and which the Finance Officer, the City Attorney, and Kennedy & Graven, Chartered, as bond counsel, deem necessary or appropriate. The City hereby authorizes Kennedy & Graven, Chartered, as bond counsel of the City, to prepare, execute, and deliver its approving legal opinion with respect to the Bonds.

2.07. The City has not participated in the preparation of the Official Statement (the "Official Statement"), relating to the Bonds and has made no independent investigation with respect to the information contained therein, including the appendices thereto, and the City assumes no responsibility for the sufficiency, accuracy, or completeness of such information. Subject to the foregoing, the City hereby consents to the distribution and the use by the Underwriter, in connection with the sale of the Bonds, of the Official Statement, in the form on file with the City. The Official Statement is the sole material consented to by the City for use in connection with the offer and sale of the Bonds. The City hereby approves the Continuing Disclosure Agreement, dated on or after December 1, 2001 (the

"Continuing Disclosure Agreement"), between the Borrower, the Company, and the Trustee, in the form now on file with the City, and hereby authorizes the Trustee to execute and deliver the Continuing Disclosure Agreement.

Section 3. Miscellaneous Provisions

3.01. All covenants, stipulations, obligations, and agreements of the City contained in this resolution and the aforementioned documents shall be deemed to be the covenants, stipulations, obligations, and agreements of the City to the full extent authorized or permitted by law, and all such covenants, stipulations, obligations, and agreements shall be binding upon the City. Except as otherwise provided in this resolution, all rights, powers, and privileges conferred and duties and liabilities imposed upon the City by the provisions of this resolution or of the aforementioned documents shall be exercised or performed by the City or by the Finance Officer, or such other officers, employees, and agents thereof as may be required or authorized by law to exercise such powers and to perform such duties.

No covenant, stipulation, obligation, or agreement herein contained or contained in the aforementioned documents shall be deemed to be a covenant, stipulation, obligation, or agreement of any member of the City Council of the City, the Finance Officer, or any officer, agent, or employee of the City in that person's individual capacity, and neither the City Council, the Finance Officer, nor any officer or employee executing or delivering the Bonds shall be liable personally on the Bonds or be subject to any personal liability or accountability by reason of the issuance thereof.

No provision, covenant, or agreement contained in the aforementioned documents, the Bonds, or in any other document relating to the Bonds, and no obligation therein or herein imposed upon the City or the breach thereof, shall constitute or give rise to any pecuniary liability of the City or any charge upon its general credit or taxing powers. In making the agreements, provisions, covenants, and representations set forth in such documents, the City has not obligated itself to pay or remit any funds or revenues, other than funds and revenues derived from the Loan Agreement which are to be applied to the payment of the Bonds, as provided therein and in the Indenture.

3.02. Except as herein otherwise expressly provided, nothing in this resolution or in the aforementioned documents expressed or implied, is intended or shall be construed to confer upon any person or firm, other than the City, the Borrower, the Company, the Trustee, or any holder of the Bonds issued under the provisions of this resolution and the Indenture, any right, remedy, or claim, legal or equitable, under and by reason of this resolution or any provisions hereof, this resolution, the aforementioned documents, and all of their provisions being intended to be and being for the sole and exclusive benefit of the City, the Borrower, the Company, the Trustee, and any holder from time to time of the Bonds issued under the provisions of this resolution and the Indenture.

3.03. In case any one or more of the provisions of this resolution, other than the provisions contained in Section 2.02 hereof, or of the aforementioned documents, or of the Bonds issued hereunder shall for any reason be held to be illegal or invalid, such illegality or invalidity shall not affect any other provision of this resolution, or of the aforementioned documents, or of the Bonds, but this resolution, the aforementioned documents, and the Bonds shall be construed and endorsed as if such illegal or invalid provisions had not been contained therein.

3.04. The Bonds, when executed and delivered, shall contain a recital that they are issued pursuant to the Act, and such recital shall be conclusive evidence of the validity of the Bonds and the regularity of the issuance thereof, and that all acts, conditions, and things required by the laws of the State of Minnesota relating to the adoption of this resolution, to the issuance of the Bonds, and to the execution of the aforementioned documents to happen, exist, and be performed precedent to the execution of the aforementioned documents have happened, exist, and have been performed as so required by law.

3.05. The officers of the City, bond counsel and other attorneys, and other agents or employees of the City are hereby authorized to do all acts and things required of them by or in connection with this resolution, the aforementioned documents, and the Bonds for the full, punctual, and complete performance of all the terms, covenants, and agreements contained in the Bonds, the aforementioned documents, and this resolution. In the event that for any reason the Finance Officer is unable to carry out the execution of any of the documents or other acts provided herein, any person delegated the authority by the Finance Officer to execute documents in the absence or incapacity of the Finance Officer is hereby authorized to act in the capacity of the Finance Officer and undertake such execution or acts on behalf of the City with full force and effect, which execution or acts shall be valid and binding on the City.

3.06. The Borrower will pay the administrative fees of the City as set forth in the Loan Agreement and pay, or upon demand, reimburse the City for payment of, any and all costs and expenses paid or incurred by the City in connection with the Project and the issuance of the Bonds, whether or not the Bonds are issued.

3.07. The United States Department of the Treasury has promulgated Treasury Regulations, Section 1.150-2 (the "Regulation"), governing the use of the proceeds of a tax-exempt obligation, all or a portion of which is to be used to reimburse the City or a borrower from the City for project expenditures paid prior to the date of issuance of such tax-exempt obligation. The Regulation requires that the City adopt a statement of official intent to reimburse an original expenditure not later than sixty (60) days after payment of the original expenditure. The Regulation also generally requires that the tax-exempt obligation be issued and the reimbursement allocation made from the proceeds of the tax-exempt obligation within eighteen (18) months after the later of: (i) the date the expenditure is paid; or (ii) the date the project is placed in service or abandoned, but in no event more than three (3) years after the date the expenditure is paid. The Regulation generally permits reimbursement of capital expenditures and costs of issuance of the tax-exempt obligation. A portion of the costs of the Project may be paid by the Borrower and the Company prior to the date of issuance of the Bonds. The City reasonably expects to reimburse the Borrower and the Company for such expenditures from the proceeds of the Bonds after the date of issuance of the Bonds. All reimbursed expenditures shall be capital expenditures, a cost of issuance of the Bonds, or other expenditures eligible for reimbursement under Section 1.150-2(d)(3) of the Regulation and also qualifying expenditures under the Act.

3.08. The Bonds are hereby designated as "Program Bonds" and are determined to be within the "Economic Development Program" and the "Program," as all defined in Resolution 88R-021 of the City of Minneapolis adopted January 29, 1988, as amended by Resolution 97R-402 of the City of Minneapolis, adopted December 12, 1997.

3.09. This resolution shall take effect and be in force from and after its approval and publication. Immediate publication of this resolution is hereby authorized.

Adopted 11/18/05.

Absent – Colvin Roy.

Resolution 2005R-616, authorizing the issuance and sale of revenue bonds in an amount up to \$16,000,000 for the Midtown Exchange Parking Ramp Project, was adopted 11/18/05 by the City Council. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized resolution.

RESOLUTION 2005R-616
By Goodman

Approving and authorizing the issuance by the City of Minneapolis of its Commercial Development Revenue Bonds (Midtown Investment, LLC), Series 2005, under Minnesota Statutes, Section 469.152-469.1651, as amended, to finance a project for the benefit of Midtown Investment, LLC and Midtown Exchange Commons LLC or Midtown Exchange Parking LLC; approving the form and authorizing the execution and delivery of related documents; and providing for the security, rights, and remedies of the owners of the Bonds.

Resolved by The City Council of The City of Minneapolis:

Section 1. Background

1.01. Under the Minnesota Municipal Industrial Development Act, Minnesota Statutes, Sections 469.152 through 469.165, as amended (the "Act"), each municipality and redevelopment agency of the State of Minnesota (as defined in the Act), including the City of Minneapolis, Minnesota (the "City"), is authorized to issue revenue obligations to finance improvements to land and buildings and capital equipment for the benefit of a revenue producing enterprise to be owned by a contracting party (as defined in the Act).

1.02. Midtown Investment, LLC, a Minnesota limited liability company (the "Borrower"), has requested that the City issue revenue obligations under the Act in a principal amount not to exceed \$16,000,000, to be designated as Commercial Development Revenue Bonds (Midtown Investment, LLC), Series 2005 (the "Bonds"). The Bonds are proposed to be issued pursuant to this resolution and an Indenture of Trust, dated on or after December 1, 2001 (the "Indenture"), between the City and U.S. Bank National Association or another financial institution acceptable to the City, as trustee (the "Trustee"). The proceeds derived from the sale of the Bonds are to be applied to make a loan (the "Loan") to the Borrower pursuant to the terms of a Loan Agreement, dated on or after December 1, 2005 (the "Loan Agreement"), between the City and the Borrower. The Borrower will loan the proceeds of such Loan directly or indirectly to Midtown Exchange Commons LLC, a Minnesota limited liability company, or Midtown Exchange Parking LLC, a Minnesota limited liability company, or other limited liability company of which Midtown Exchange Commons LLC is the sole member (the "Company"), to finance the acquisition, construction, and equipping of a parking ramp of approximately 1,437 parking spaces to be located on a block bordered by Lake Street to the south, 10th Avenue South to the west, and 11th Avenue South to the east in the City (the "Project"). The Project will be owned by the Company.

1.03. The principal of, premium, if any, and interest on the Bonds: (i) shall be payable solely from the revenues pledged therefor under the terms of the Indenture and shall be secured solely by the terms of the Indenture and other security provided by the Borrower and the Company; (ii) shall not constitute a debt of the City within the meaning of any constitutional or statutory limitation; (iii) shall not constitute nor give rise to a pecuniary liability of the City or a charge against its general credit or taxing powers; and (iv) shall not constitute a charge, lien, or encumbrance, legal or equitable, upon any property of the City other than the City's interest in the Loan Agreement.

Section 2. Issuance of the Bonds

2.01. For the purposes set forth above, there is hereby authorized the issuance, sale, and delivery of the Bonds in the principal amount not to exceed \$16,000,000. The Bonds shall bear interest, initially at a variable rate, established by the terms of the Indenture and by the terms of a Remarketing Agreement, dated on or after December 1, 2001, between the Borrower and the Company and a remarketing agent to be selected by the Borrower and the Company acceptable to the City (the "Remarketing Agent"). The Bonds shall be numbered, shall be dated, shall mature, shall be subject to redemption prior to maturity, shall be in such form, and shall have such other terms, details, and provisions as are prescribed in the form of the Bonds in the Indenture now on file with the City. The Finance Officer is hereby authorized to execute and deliver the Bonds on behalf of the City in the manner authorized by the Charter of the City. The City hereby authorizes the Bonds to be issued as "tax-exempt bonds" the interest on which is not includable in gross income for federal and State of Minnesota income tax purposes.

All of the provisions of the Bonds, when executed and delivered as authorized herein, shall be deemed to be a part of this resolution as fully and to the same extent as if incorporated verbatim herein and shall be in full force and effect from the date of execution and delivery thereof. The Bonds shall be substantially in the form on file with the City, which is hereby approved, with such necessary and appropriate variations, omissions, and insertions (including reductions in the principal amount of the Bonds, the determination of the initial interest rate on the Bonds, the provisions for adjustment of the interest rate on the Bonds, and changes to the terms of redemption of the Bonds) as the Finance Officer of the City (the "Finance Officer"), in his discretion shall determine. The execution of the Bonds with the manual or facsimile signature of the Finance Officer and the delivery of the Bonds by the City shall be conclusive evidence of such determination.

2.02. The Bonds shall be a special revenue obligations of the City the proceeds of which shall be disbursed pursuant to the Loan Agreement, and the principal, premium, and interest on which shall be payable by the City solely from the revenues derived by the City from the Loan Agreement, assigned to the Trustee pursuant to the terms of the Indenture, and from other security provided by the Borrower and the Company to the Trustee. The Bonds are not general or moral obligations of the City, are not secured by any assets or property of the City (other than the interests of the City in the Loan Agreement), and are not secured by the faith and credit or taxing powers of the City.

All of the provisions of the Indenture, when executed as authorized herein, shall be deemed to be a part of this resolution as fully and to the same extent as if incorporated verbatim herein and shall be in full force and effect from the date of execution and delivery thereof. The Indenture shall be substantially in the form on file with the City, which is hereby approved, with such necessary and appropriate variations, omissions and insertions as do not materially change the substance thereof, or as the Finance Officer, in his discretion, shall determine, and the execution thereof by the Finance Officer shall be conclusive evidence of such determination.

2.03. The City hereby authorizes and directs the Finance Officer to execute and deliver the Loan Agreement and the Bond Purchase Agreement, dated on or after December 1, 2005 (the "Bond Purchase Agreement"), between the City, the Borrower, the Company, and the original purchaser of the Bonds (the "Underwriter"), in the forms now on file with the City. All of the provisions of the Loan Agreement and the Bond Purchase Agreement, when executed as authorized herein, shall be deemed to be a part of this resolution as fully and to the same extent as if incorporated verbatim herein and shall be in full force and effect from the date of execution and delivery thereof. The Loan Agreement and the Bond Purchase Agreement shall be substantially in the forms now on file with the City, which are hereby approved, with such necessary and appropriate variations, omissions, and insertions as the Finance Officer in his discretion shall determine. The execution of the Loan Agreement and the Bond Purchase Agreement with the manual or facsimile signature of the Finance Officer and the delivery of the Loan Agreement and the Bond Purchase Agreement by the City shall be conclusive evidence of such determination.

2.04. The Finance Officer and the staff of Community Planning and Economic Development are hereby authorized to assist in the preparation of an application to the Minnesota Department of Employment and Economic Development for approval of the Project, as required by Section 469.154 of the Act, and to take all actions necessary and appropriate to obtain such approval. The Bonds may not be issued until all public hearings and other actions that are a condition to such approval have been completed and until the approval of the Commissioner of the Minnesota Department of Employment and Economic Development has been obtained.

2.05. The Bonds shall be revenue obligations of the City the proceeds of which shall be disbursed pursuant to the Indenture and the Loan Agreement, and the principal, premium, and interest on the Bonds shall be payable solely from the proceeds of the Bonds, the revenues derived from the Loan Agreement, the revenues and assets pledged and assigned under the terms of the Indenture, and the other sources set forth in the Indenture. The Bonds will also be secured by an irrevocable letter of credit (the "Letter of Credit") issued by U. S. Bank National Association or another financial institution selected by the Borrower and the Company and acceptable to the City (the "Bank"). The Letter of Credit will be delivered to the Trustee on the date of issuance of the Bonds. Under the terms of the Indenture and the Letter of Credit, the Trustee is instructed to draw on the Letter of Credit to pay the principal, interest, and purchase price of the Bonds, when due. Pursuant to the terms of a Letter of Credit and Reimbursement Agreement, dated on or after December 1, 2005 (the "Reimbursement Agreement"), between the Borrower, the Company, and the Bank (the "Reimbursement Agreement"), the Borrower and the Company are obligated to reimburse the Bank for draws on the Letter of Credit and will secure such obligation with a mortgage lien on the Project and other security provided pursuant to the terms of the Reimbursement Agreement.

2.06. The Finance Officer shall execute and deliver, on behalf of the City, such instruments, certificates, and documents as are necessary or appropriate in connection with the issuance, sale, and delivery of the Bonds, including the City certificate relating to arbitrage, rebate, and other tax matters, an Information Return for Tax-Exempt Private Activity Bond Issues, Form 8038, and all other instruments, certificates, and documents as shall be requested in connection with the issuance, sale, and delivery of the Bonds and which the Finance Officer, the City Attorney, and Kennedy & Graven, Chartered, as bond counsel, deem necessary or appropriate. The City hereby authorizes Kennedy & Graven, Chartered, as bond counsel of the City, to prepare, execute, and deliver its approving legal opinion with respect to the Bonds.

2.07. The City has not participated in the preparation of the Official Statement (the "Official Statement"), relating to the Bonds and has made no independent investigation with respect to the information contained therein, including the appendices thereto, and the City assumes no responsibility for the sufficiency, accuracy, or completeness of such information. Subject to the foregoing, the City

hereby consents to the distribution and the use by the Underwriter, in connection with the sale of the Bonds, of the Official Statement, in the form on file with the City. The Official Statement is the sole material consented to by the City for use in connection with the offer and sale of the Bonds. The City hereby approves the Continuing Disclosure Agreement, dated on or after December 1, 2001 (the "Continuing Disclosure Agreement"), between the Borrower, the Company, and the Trustee, in the form now on file with the City, and hereby authorizes the Trustee to execute and deliver the Continuing Disclosure Agreement.

Section 3. Miscellaneous Provisions

3.01. All covenants, stipulations, obligations, and agreements of the City contained in this resolution and the aforementioned documents shall be deemed to be the covenants, stipulations, obligations, and agreements of the City to the full extent authorized or permitted by law, and all such covenants, stipulations, obligations, and agreements shall be binding upon the City. Except as otherwise provided in this resolution, all rights, powers, and privileges conferred and duties and liabilities imposed upon the City by the provisions of this resolution or of the aforementioned documents shall be exercised or performed by the City or by the Finance Officer, or such other officers, employees, and agents thereof as may be required or authorized by law to exercise such powers and to perform such duties.

No covenant, stipulation, obligation, or agreement herein contained or contained in the aforementioned documents shall be deemed to be a covenant, stipulation, obligation, or agreement of any member of the City Council of the City, the Finance Officer, or any officer, agent, or employee of the City in that person's individual capacity, and neither the City Council, the Finance Officer, nor any officer or employee executing or delivering the Bonds shall be liable personally on the Bonds or be subject to any personal liability or accountability by reason of the issuance thereof.

No provision, covenant, or agreement contained in the aforementioned documents, the Bonds, or in any other document relating to the Bonds, and no obligation therein or herein imposed upon the City or the breach thereof, shall constitute or give rise to any pecuniary liability of the City or any charge upon its general credit or taxing powers. In making the agreements, provisions, covenants, and representations set forth in such documents, the City has not obligated itself to pay or remit any funds or revenues, other than funds and revenues derived from the Loan Agreement which are to be applied to the payment of the Bonds, as provided therein and in the Indenture.

3.02. Except as herein otherwise expressly provided, nothing in this resolution or in the aforementioned documents expressed or implied, is intended or shall be construed to confer upon any person or firm, other than the City, the Borrower, the Company, and the Trustee, or any holder of the Bonds issued under the provisions of this resolution and the Indenture, any right, remedy, or claim, legal or equitable, under and by reason of this resolution or any provisions hereof, this resolution, the aforementioned documents, and all of their provisions being intended to be and being for the sole and exclusive benefit of the City, the Borrower, the Company, the Trustee, and any holder from time to time of the Bonds issued under the provisions of this resolution and the Indenture.

3.03. In case any one or more of the provisions of this resolution, other than the provisions contained in Section 2.02 hereof, or of the aforementioned documents, or of the Bonds issued hereunder shall for any reason be held to be illegal or invalid, such illegality or invalidity shall not affect any other provision of this resolution, or of the aforementioned documents, or of the Bonds, but this resolution, the aforementioned documents, and the Bonds shall be construed and endorsed as if such illegal or invalid provisions had not been contained therein.

3.04. The Bonds, when executed and delivered, shall contain a recital that they are issued pursuant to the Act, and such recital shall be conclusive evidence of the validity of the Bonds and the regularity of the issuance thereof, and that all acts, conditions, and things required by the laws of the State of Minnesota relating to the adoption of this resolution, to the issuance of the Bonds, and to the execution of the aforementioned documents to happen, exist, and be performed precedent to the execution of the aforementioned documents have happened, exist, and have been performed as so required by law.

3.05. The officers of the City, bond counsel and other attorneys, and other agents or employees of the City are hereby authorized to do all acts and things required of them by or in connection with this resolution, the aforementioned documents, and the Bonds for the full, punctual, and complete performance of all the terms, covenants, and agreements contained in the Bonds, the aforementioned documents, and this resolution. In the event that for any reason the Finance Officer is unable to carry

out the execution of any of the documents or other acts provided herein, any person delegated the authority by the Finance Officer to execute documents in the absence or incapacity of the Finance Officer is hereby authorized to act in the capacity of the Finance Officer and undertake such execution or acts on behalf of the City with full force and effect, which execution or acts shall be valid and binding on the City.

3.06. The Borrower will pay the administrative fees of the City as set forth in the Loan Agreement and pay, or upon demand, reimburse the City for payment of, any and all costs and expenses paid or incurred by the City in connection with the Project and the issuance of the Bonds, whether or not the Bonds are issued.

3.07. The United States Department of the Treasury has promulgated Treasury Regulations, Section 1.150-2 (the "Regulation"), governing the use of the proceeds of a tax-exempt obligation, all or a portion of which is to be used to reimburse the City or a borrower from the City for project expenditures paid prior to the date of issuance of such tax-exempt obligation. The Regulation requires that the City adopt a statement of official intent to reimburse an original expenditure not later than sixty (60) days after payment of the original expenditure. The Regulation also generally requires that the tax-exempt obligation be issued and the reimbursement allocation made from the proceeds of the tax-exempt obligation within eighteen (18) months after the later of: (i) the date the expenditure is paid; or (ii) the date the project is placed in service or abandoned, but in no event more than three (3) years after the date the expenditure is paid. The Regulation generally permits reimbursement of capital expenditures and costs of issuance of the tax-exempt obligation. A portion of the costs of the Project may be paid by the Borrower and the Company prior to the date of issuance of the Bonds. The City reasonably expects to reimburse the Borrower and the Company for such expenditures from the proceeds of the Bonds after the date of issuance of the Bonds. All reimbursed expenditures shall be capital expenditures, a cost of issuance of the Bonds, or other expenditures eligible for reimbursement under Section 1.150-2(d)(3) of the Regulation and also qualifying expenditures under the Act.

3.08. The Bonds are hereby designated as "Program Bonds" and are determined to be within the "Economic Development Program" and the "Program," as all defined in Resolution 88R-021 of the City of Minneapolis adopted January 29, 1988, as amended by Resolution 97R-402 of the City of Minneapolis, adopted December 12, 1997.

3.09. This resolution shall take effect and be in force from and after its approval and publication. Immediate publication of this resolution is hereby authorized.

Adopted 11/18/05.

Absent – Colvin Roy.

Comm Dev – Your Committee, having under consideration the issuance of revenue bonds for the Seed Academy Harvest Preparatory School Project at 1300 Olson Memorial Highway, now recommends passage of the accompanying resolution giving final approval to the issuance of up to \$7,000,000 in 501(c)(3) Tax-exempt Revenue Bonds for said project.

Adopted 11/18/05.

Absent – Colvin Roy.

Approved by Mayor Rybak 11/21/05.

(Published 11/22/05)

Resolution 2005R-617, authorizing the issuance and sale of revenue bonds in an amount up to \$7,000,000 for the Seed Academy Harvest Preparatory School Project, was adopted 11/18/05 by the City Council. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized resolution.

RESOLUTION 2005R-617
By Goodman

Authorizing the issuance of Educational Facility Lease Revenue Refunding Bonds (Seed Daycare/Harvest Preparatory Charter School Project) and authorizing the execution of various documents in connection therewith

Whereas, in 1998 the City of Minneapolis, Minnesota (the "City"), issued its \$4,600,000 Revenue Bonds (Seed Academy Harvest Preparatory School Project) Series 1998 (the "1998 Bonds"); and

Whereas, the 1998 Bonds financed the expansion and renovation of property by Seed Daycare, a Minnesota nonprofit corporation (the "Company"), for use as a charter school at 1300 Olson Memorial Highway in the City (the "Project") operated by Harvest Preparatory Charter School, a Minnesota nonprofit corporation (the "Harvest Prep"); and

Whereas, the Company incurred other debts in connection with the Project and its operation, including a \$244,000 subordinate secured note to Lien Tran, a \$76,800 unsecured note to Otto Bremer Foundation, a \$173,400 unsecured obligation to the Minnesota Non-Profit Assistance Fund and \$175,000 in expenses and settlement payments related to the acquisition of a portion of the Project pursuant to the eviction of Synergy Residential Academy (which are all referred to herein as the "Discharged Debt"); and

Whereas, the Company is unable to service its obligations in connection with the Project and its operation, and has determined to enter into a voluntary debt restructuring involving the issuance of bonds in the amount of not to exceed \$7,000,000 (the "Bonds") to refund all the outstanding 1998 Bonds and to pay and discharge the Discharged Debt; and

Whereas, the Bonds will be in part a refunding of the 1998 Bonds, in part a deemed project under the Act (defined below) to discharge outstanding indebtedness previously incurred in connection with the acquisition or betterment of existing facilities, and in part a new money financing to finance and reimburse the Company for certain costs of the Company for the further renovation of the Project:

Now, Therefore Be It Resolved by The City Council of The City of Minneapolis, Minnesota, as follows:

1. Authority. The City is, by the Constitution and laws of the State of Minnesota, including Minnesota Statutes, Sections 469.152 through 469.1651, as amended (the "Act"), authorized to issue and sell revenue bonds for the purpose of financing or refinancing development within the boundaries of the City, and to enter into agreements necessary or convenient in the exercise of the powers granted by the Act.

2. Authorization of Refinancing; Documents Presented. The Company has proposed that the City issue and sell its Educational Facility Lease Revenue Refunding Bonds (Seed Daycare/Harvest Preparatory Charter School Project), Series 2005 (the "Bonds"), to be issued in one or more series, in an amount not to exceed \$7,000,000, in substantially the form set forth in the Indenture mentioned below. A portion of the Bonds may be issued as taxable obligations. The Bonds will be issued pursuant to the Act and the proceeds thereof loaned to the Company to provide financing or refinancing of (1) the 1998 Bonds, which were used to finance the expansion and renovation of the Project, (2) the payment and discharge of other indebtedness incurred for the Project, and (3) the payment of and reimbursement for certain costs of the Company related to the further renovation of the Project. The Company will lease portions of the Project to Harvest Prep and to Hmong Academy, a Minnesota non-profit corporation ("Hmong Academy" and with Harvest Prep, the "Schools") for operation as a public charter school. Forms of the following documents relating to the Bonds have been submitted to the City:

(a) a Loan Agreement (the "Loan Agreement") between the City and Company, whereby the City agrees to make a loan to the Company of the gross proceeds of the sale of the Bonds and the Company agrees to refinance the Project and to pay amounts in repayment of the loan sufficient to provide for the full and prompt payment of the principal of, premium, if any, and interest on the Bonds; and

(b) an Indenture of Trust (the "Indenture") between the City and Wells Fargo Bank, National Association, as trustee (the "Trustee"), authorizing the issuance of the Bonds and pledging certain revenues, including those to be derived from the Loan Agreement, as security for the Bonds, and setting forth proposed recitals, covenants and agreements relating thereto; and

(c) a Mortgage, Security Agreement, Assignment of Leases and Rents and Fixture Financing Statements (the "Mortgage") from the Company to the Trustee and U.S. Bank National Association (the "Bank"), by which the Company grants to the Trustee and the Bank a mortgage lien on and security interest in certain mortgaged property, as described therein, as further security for the payment of the Bonds and payments due under the Reimbursement Agreement (as defined below) and assigns to the Trustee and the Bank its interests in all rents with respect to the mortgaged property (this document not to be executed by the City); and

(d) a Reimbursement Agreement (the "Reimbursement Agreement") between the Company and the Bank, related to the issuance of an irrevocable standby letter of credit as further security for the payment of the Bonds (this document not to be executed by the City); and

(e) a Tax Regulatory Agreement (the "Tax Regulatory Agreement") by and among the City, the Company, Harvest Prep and the Trustee; and

(f) a Bond Purchase Agreement (the "Bond Purchase Agreement") by and among Miller Johnson Steichen Kinnard (the "Underwriter"), the Company, Harvest Prep and the City, providing for the purchase of the Bonds from the City by the Underwriter and setting the terms and conditions of purchase; and

(g) a Preliminary Official Statement (the "Official Statement") describing the offering of the Bonds, and certain terms and provisions of the foregoing documents.

3. Findings. It is hereby found, determined and declared that:

(a) The Project constitutes a Project authorized by and described in the Act.

(b) On the basis of information available to the City it appears, and the City hereby finds, that the Project constitutes properties, real and personal, used or useful in connection with one or more revenue producing enterprises engaged in any business within the meaning of Subdivision 2(b) of Section 469.153 of the Act; that the refinancing of the existing properties of the Company through the discharge of the Discharged Debt is the discharge of outstanding indebtedness of a qualifying organization previously incurred in the acquisition or betterment of the Company's existing facilities to the extent deemed necessary by the City and is deemed to constitute a project under said Subdivision 2(b); that the Project furthers the purposes stated in Minnesota Statutes, Section 469.152; that the effect of the Project is to encourage the development of economically sound industry and commerce, to assist in the prevention of the emergence of blighted and marginal land, to help prevent chronic unemployment, to help the City provide the range of education, service and employment opportunities required by the population, to help prevent the movement of talented and educated persons out of the state and to areas within the state where their services may not be as effectively used, and to promote more intensive development and use of land within the City.

(c) There is no litigation pending or, to the best of its knowledge, threatened against the City relating to the Bonds, Loan Agreement, Bond Purchase Agreement, Tax Regulatory Agreement or Indenture or questioning the due organization of the City or the powers or authority of the City to issue the Bonds and undertake the transactions contemplated hereby.

(d) The execution, delivery and performance of the City's obligations under the Bonds, Indenture, Bond Purchase Agreement, Tax Regulatory Agreement and Loan Agreement do not and will not violate any order of any court or other agency of government of which the City is aware or to which the City is a party, or any indenture, agreement or other instrument to which the City is a party or by which it or any of its property is bound, or be in conflict with, result in a breach of, or constitute (with due notice or lapse of time or both) a default under any such indenture, agreement or other instrument.

(e) It is desirable that the Bonds be issued by the City upon the terms set forth in the Indenture, under the provisions of which the City's interest in the Loan Agreement will be pledged to the Trustee as security for the payment of principal of, premium, if any, and interest on the Bonds.

(f) The Loan Agreement provides for payments by the Company to the Trustee for the account of the City of such amounts as will be sufficient to pay the principal of, premium, if any, and interest on the Bonds when due. The Loan Agreement obligates the Company to pay for all costs of operation and maintenance of the Project, including adequate insurance, taxes and special assessments. A reserve fund has been established under the provisions of the Indenture in connection with the issuance of the Bonds.

(g) Under the provisions of the Act, and as provided in the Loan Agreement and Indenture, the Bonds are not to be payable from nor charged upon any funds of the City, other than amounts payable pursuant to the Loan Agreement and moneys in the funds and accounts held by the Trustee which are pledged to the payment thereof; the City is not subject to any liability thereon; no owners of the Bonds shall ever have the right to compel the exercise of the taxing power of the City to pay any of the Bonds or the interest thereon, nor to enforce payment thereof against any property of the City; the Bonds shall not constitute a charge, lien or encumbrance, legal or equitable, upon any property of the City (other than the interest of the City in the Loan Repayments to be made by the Company under the Loan Agreement); and each Bond issued under the Indenture shall recite that such Bond, including interest thereon, shall not constitute or give rise to a charge against the general credit or taxing powers of the City.

4. Approval of Forms; Execution. Subject to the approval of the City Attorney and to the provisions of paragraphs 8 and 9 hereof, the forms of the documents and exhibits thereto and all other documents listed in paragraph 2 hereof (the "Financing Documents") are approved substantially in the form submitted. Subject to the provisions of paragraph 8 hereof, the Financing Documents, in substantially the forms submitted, are directed to be executed in the name and on behalf of the City by the Finance Officer of the City. Subject to the provisions of paragraph 8 hereof, the Bonds are to be executed in the name of and on behalf of the City by the Finance Officer of the City, and are to be delivered to the Trustee for authentication and delivery to the Purchaser. Any other City documents and certificates necessary to the transaction described above may be executed by the appropriate City officers. Copies of all of the documents necessary to the transaction herein described shall be delivered, filed and recorded as provided herein and in the Loan Agreement and Indenture.

5. Approval, Execution and Delivery of Bonds. The City shall proceed forthwith to issue the Bonds in the forms and upon the terms set forth in the Indenture, which terms are for this purpose incorporated in this resolution and made a part hereof; provided, however, that the initial aggregate principal amount of the Bonds shall not exceed \$7,000,000, the Bonds shall be in tax-exempt and taxable series in the amounts determined by the officials who execute the Bonds, the net effective interest rate of the tax-exempt bonds shall not be greater than 7.50% and the net effective interest rate of the taxable bonds shall not be greater than 10.00%. Subject to the foregoing, the principal amounts of the Bonds and of the tax-exempt and taxable series of the Bonds, the maturities, the interest rates thereon, and any provisions for the optional or mandatory redemption thereof shall all be as set forth in the final form of the Indenture to be approved, executed and delivered by the officials authorized to execute the Bonds in paragraph 4. The Underwriter has agreed pursuant to the provisions of the Bond Purchase Agreement, and subject to the conditions therein set forth, to purchase the Bonds at the purchase price set forth in the Bond Purchase Agreement, and said purchase price is hereby accepted. Said officials and other City officers are authorized and directed to prepare and execute the Bonds as prescribed in the Indenture and to deliver them to the Trustee, together with a certified copy of this Resolution and the other documents required by the Indenture, for authentication, registration and delivery to the Underwriter. As provided in the Indenture, each Bond shall contain a recital that it is issued pursuant to the Act, and such recital shall be conclusive evidence of the validity and regularity of the issuance thereof.

6. Official Statement. The City hereby consents to the preparation and distribution of the Official Statement for the Bonds; provided that it is understood that the City has relied upon the Company and Underwriter and legal counsel retained by them to assure the accuracy and completeness of the information set forth in the Official Statement and that therefore the City has not made, and will not make, any representations or warranties with respect to the information contained therein, except under the headings "The Issuer" and "Litigation" (the latter only to the extent it relates to the City).

7. Records and Certificates. The Finance Officer and other officers of the City are authorized and directed to prepare and furnish to the Underwriter certified copies of all proceedings and records of the City relating to the Bonds, and such other affidavits and certificates as may be required to show the facts relating to the legality of the Bonds as such facts appear from the books and records in the officers' custody and control or as otherwise known to them; and all such certified copies, certificates and affidavits, including any heretofore furnished, shall constitute representations of the City as to the truth of all statements contained herein.

8. Changes in Forms Approved; Absent and Disabled Officers. The approval hereby given to the various documents referred to above includes approval of such additional details therein as may be necessary and appropriate and such modifications thereof, deletions therefrom and additions thereto as may be necessary and appropriate and approved by the City Attorney to the City, the appropriate City staff person or by the officers authorized herein to execute or accept, as the case may be, said documents prior to their execution; and said officers or staff members are hereby authorized to approve said changes on behalf of the City. The execution of any instrument by the appropriate officer or officers of the City herein authorized shall be conclusive evidence of the approval of such document in accordance with the terms hereof. In the event of absence or disability of the officers, any of the documents authorized by this Resolution to be executed may be executed without further act or authorization of the City Council by any of the Council Members or any duly designated acting official, or by such other officer or officers of the City as, in the opinion of the City Attorney, may act in their behalf.

9. Future Amendments. The authority to approve, execute and deliver future amendments to financing documents entered into by the City in connection with the issuance of the Bonds is hereby delegated to the Finance Officer, subject to the following conditions: (a) such amendments do not require the consent of the holders of the Bonds; (b) such amendments do not materially adversely affect the interests of the City; (c) such amendments do not contravene or violate any policy of the City; (d) such amendments are acceptable in form and substance to the City Attorney or other counsel retained by the City to review such amendments; and (e) the City has received an opinion of bond counsel to the effect that the amendments will not adversely affect the tax-exempt character of interest on the Bonds, if the Bonds are then tax-exempt obligations. The authorization hereby given shall be further construed as authorization for the execution and delivery of such certificates and related items as may be required to demonstrate compliance with the agreements being amended and the terms of this Resolution. The execution of any instrument by the Finance Officer, shall be conclusive evidence of the approval of such instruments in accordance with the terms hereof. In the absence of the Finance Officer, any instrument authorized by this paragraph to be executed and delivered may be executed by the officer of the City authorized to act in their place and stead.

10. Taxing Powers. Nothing in this resolution or in the documents prepared pursuant hereto shall authorize the expenditure of any municipal funds on the Project other than the revenues derived from the Project or otherwise granted by the City pursuant to the Indenture for this purpose. The Bonds shall not constitute a charge, lien or encumbrance, legal or equitable, upon any property or funds of the City except the revenue and proceeds pledged to the payment thereof, nor shall the City be subject to any liability thereon. The holders of the Bonds shall never have the right to compel any exercise of the taxing power of the City to pay the outstanding principal on the Bonds or the interest thereon, or to enforce payment thereof against any property of the City. The Bonds shall recite in substance that the Bonds, including interest thereon, are payable solely from the revenue and proceeds pledged to the payment thereof. The Bonds shall not constitute a debt of the City within the meaning of any constitutional or statutory limitation.

11. Indemnification by Company. It is understood and agreed that the Company shall indemnify the City against all liabilities, losses, damages, costs and expenses (including attorneys' fees and expenses incurred by the City) arising with respect to the Project or Bonds, as provided for and agreed to by and between the Company and City in the Loan Agreement.

12. Headings; Terms. Paragraph headings in this Resolution are for convenience of reference only and are not a part hereof, and shall not limit or define the meaning of any provision hereof. Capitalized terms used but not defined herein shall have the meanings given them in, or pursuant to, the Indenture and Loan Agreement.

13. Program Bonds. The Bonds are hereby designated "Program Bonds" and are determined to be within the "Economic Development Program" and the "Program," all as defined in Resolution 88R-021 of the City adopted January 29, 1988, and as amended by Resolution 97R-402 of the City adopted December 12, 1997.

Adopted 11/18/05.

Absent – Colvin Roy.

Approved by Mayor Rybak 11/21/05.

Comm Dev – Your Committee, having under consideration allocation of Emergency Shelter Grant (ESG) Program funds, now recommends approval of funding for the following three projects:

- 1) Up to \$20,000 for Simpson Housing Services at 2xxx 1st Av S and 1xxx 11th Av S by Simpson Housing Services;
- 2) Up to \$170,000 for St. Anne's Place at 2xxx Russell Av N by Ascension Place, Inc.; and
- 3) Up to \$376,823 for Bridge Center for Youth at 2xxx Emerson Av S by The Bridge for Runaway Youth, Inc.

Adopted 11/18/05.

Absent – Colvin Roy.

The **COMMUNITY DEVELOPMENT** and **WAYS & MEANS/BUDGET** Committee submitted the following reports:

Comm Dev & W&M/Budget – Your Committee recommends passage of the accompanying resolution approving Modification No. 6 to the West Broadway Redevelopment Plan expanding the boundary of the plan area and adding objectives.

Goodman moved that the report be postponed. Seconded.

Adopted upon a voice vote 11/18/05.

Absent - Colvin Roy.

Comm Dev & W&M/Budget – Your Committee, having under consideration renewal of insurance coverage for theatre and related properties, now recommends that the proper City officers be authorized to purchase insurance from St. Paul Travelers Insurance Company to provide property and business interruption insurance for the State, Orpheum, Pantages Theatres and property insurance for the Orpheum Skyway until the effective date of the new lease agreement with Hennepin Theatre Trust and to provide property and business interruption insurance for Hennepin Stages Theatre and property insurance for the Stimson Building for a one-year period commencing November 30, 2005 and ending November 20, 2006, all subject to the proposed conditions outlined in the policy included in Petn No 270783.

Adopted 11/18/05.

Absent – Colvin Roy.

Comm Dev & W&M/Budget – Your Committee approval of the following reprogramming of Community Development Block Grant (CDBG) administrative and public service funds from Years 29 and 30 (Petn No 270782):

Administration - 2003 administrative funds totaling \$145,867:

- a) \$570 remaining 2003 Civil Rights Department funds (0400-300-3010).
- b) \$15,977 remaining 2003 CPED (0400-890-8962).
- c) \$14,281 remaining 2003 Department of Health and Family Support funds (0400-860-8611).
- d) \$115,039 to the Non-Departmental Agency to apply against the CDBG over extension resulting from Block E, reducing the over entitlement of CDBG funds from \$6,535,018 to \$6,419,979.

2004 administrative funds totaling \$279,220:

- a) \$2,855 remaining 2004 Civil Rights Department funds (0400-300-3010).
- b) \$5,100 remaining 2004 CPED funds (0400-890-8490).
- c) \$20,720 of the \$109,798 remaining in the Department of Health and Family Support funds (0400-860-8611).
- d) \$250,545 to the Non-Departmental Agency to apply against the CDBG over extension resulting from Block E, reducing the over entitlement of CDBG funds from \$6,419,979 to \$6,169,434.

Public Service

- a) \$1,877 to the Non-Departmental Agency to apply against the CDBG over extension resulting from Block E, reducing the over entitlement of the CDBG funds from \$6,169,434 to \$6,167,557.

Your Committee further recommends passage of the accompanying resolution providing for appropriation increases to reflect said reprogramming.

Adopted 11/18/05.

Absent – Colvin Roy.

Resolution 2005R-618, approving appropriation of reprogrammed Community Development Block Grant administrative and public services funds, was adopted 11/18/05 by the City Council. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized resolution.

**RESOLUTION 2005R-618
By Goodman & Johnson**

Amending the 2005 General Appropriation Resolution.

Resolved by The City Council of The City of Minneapolis:

That the above-entitled resolution, as amended, be further amended as follows:

a) Increasing the appropriation for the Civil Rights Agency in the CDBG Fund (0400-300-3010) by \$3,425;

b) Increasing the appropriation for the Community Planning and Economic Development Agency in the CDBG Fund by (0400-890-8962) by \$21,077;

c) Increasing the Health & Family Support Agency in the CDBG Fund (0400-860-8611) by \$35,001; and

d) Increasing the Non-Departmental Agency in the CDBG Fund (0400-123-1232) by \$367,461.

Adopted 11/18/05.

Absent – Colvin Roy.

The **HEALTH & HUMAN SERVICES** and **WAYS & MEANS/BUDGET** Committees submitted the following reports:

H&HS & W&M/Budget - Your Committee, having under consideration the provision of health/medical and human/social services, and having received responses to a Request for Proposals process, now recommends approval of the following Eligible Providers List for community agencies and selected governmental entities:

Community Agencies	Dollars per Master Contract
African American AIDS Task Force	\$250,000
African American Family Services	250,000
African Community Services	250,000
American Indian Family Center	700,000
Ascension Place	250,000
Best Care, Inc.	250,000
Confederation of the Somali Community	250,000
Cabrini House	250,000
Catholic Charities	250,000
Cedar Riverside People's Center	250,000
Centre for Asians and Pacific Islanders	250,000
Centro Cultural Chicano, Inc.	250,000
Centro Legal, Inc.	250,000
Children's Dental Services	600,000
Children's Hospitals and Clinics	1,000,000
Domestic Abuse Project	500,000
Early Childhood Resource and Training Center	250,000
East Side Neighborhood Services	250,000
Family & Children's Service	250,000
Freeport West, Inc.	250,000
Fremont Community Health Services	1,000,000
Greater Minneapolis Council of Churches	1,000,000

Greater Minneapolis Day Care Association	4,000,000
HIRED	250,000
Hmong American Mutual Assistance Association, Inc.	250,000
Indian Health Board, Inc.	1,000,000
Jewish Family & Children's Service of Minneapolis	250,000
LAO Assistance Center of Minnesota	500,000
Legal Aid Society of Minneapolis	250,000
Longfellow/Seward Healthy Seniors Program	250,000
Minneapolis American Indian Center	250,000
Minneapolis Urban League	2,000,000
Minnesota AIDS Project	250,000
Minnesota Visiting Nurse Agency	7,000,000
Minnesota Indian Women's Resource Center	500,000
New American Community Services	250,000
Neighborhood Health Care Network	5,000,000
Neighborhood Involvement Program	250,000
Nokomis Healthy Seniors Program	250,000
North East Senior Citizen Resource Center	250,000
Parents as Teachers National Center	250,000
Parents in Community Action (Head Start)	250,000
Pillsbury United Communities	250,000
Planned Parenthood of Minnesota & South Dakota	250,000
Plymouth Christian Youth Center	250,000
Resource, Inc.	250,000
Salvation Army - Harbor Lights	250,000
Simpson Housing Services	250,000
Southeast Asian Refugee Community Home (SEARCH)	250,000
Southeast Seniors, A Living at Home Block Nurse Program	250,000
Southside Community Health Services	350,000
Southside Family Nurturing Center	250,000
St. Mary's Health Clinics	350,000
Sustainable Resource Center	1,000,000
Volunteers of America	250,000
West Side Community Health Services	1,000,000
Youth Coordinating Board	6,000,000
Youthcare	250,000
Youth Link	350,000
YWCA of Minneapolis	250,000
Governmental Entities	Dollars per Master Contract
Minneapolis Park and Recreation Board	250,000
Minneapolis Public Schools	1,500,000
University of Minnesota	500,000
Anoka County	250,000
Carver County	250,000
Dakota County	250,000
Ramsey County	250,000
Scott County	250,000
Washington County	250,000
City of Bloomington	250,000

Further, that the proper City Officers be authorized to execute Master Contracts for up to a five-year period, within the time parameters of January 1, 2006 and December 31, 2010, with staff being authorized to issue Fund Availability Notices when project funds become available.

Adopted 11/18/05.

Absent - Colvin Roy.

H&HS & W&M/Budget - Your Committee recommends that the proper City Officers be authorized to execute an agreement with Hennepin County to provide payment by the City for public health response services by Hennepin County when a biological event requires greater than "routine" work, as set forth in the Scope of Service contained in Petn No 270785 on file in the Office of the City Clerk. Said agreement would become effective only by mutual agreement between the Hennepin County Health Director and the City of Minneapolis Health Commissioner. Further, that the Fund Availability Notice process be utilized under the City's Master Contract with Hennepin County to execute said agreement.

Adopted 11/18/05.

Absent - Colvin Roy.

H&HS & W&M/Budget - Your Committee, having under consideration the Steps to a Healthier Minneapolis Initiative, now recommends that the proper City Officers be authorized to issue a Request for Proposals for community services in target areas of Minneapolis (Near North, Northeast and Phillips communities for physical activity; and Near North and Phillips communities for nutrition).

Adopted 11/18/05.

Absent - Colvin Roy.

The **PUBLIC SAFETY & REGULATORY SERVICES** Committee submitted the following reports:

PS&RS - Your Committee, to whom was referred ordinances amending the Minneapolis Code of Ordinances allowing the Director of Licenses and Consumer Services to administratively approve and issue certain business license applications upon the completion of all current ordinance requirements; and establishing an appeal process for any license that would be denied for cause or failure to complete the license processes, now recommends that the following ordinances be given their second reading for amendment and passage:

- a. Title 13, Chapter 259 relating to *Licenses and Business Regulations: In General*;
- b. Title 4, Chapter 68 relating to *Animals and Fowl: Pet Shops, Kennels, Etc.*;
- c. Title 10, Chapter 188 relating to *Food Code: Administration and Licensing*;
- d. Title 10, Chapter 198 relating to *Food Code: Soft Drink Manufacture and Storage*;
- e. Title 10, Chapter 200 relating to *Food Code: Milk and Dairy Products*;
- f. Title 11, Chapter 225 relating to *Health and Sanitation: Garbage and Refuse*;
- g. Title 11, Chapter 231 relating to *Health and Sanitation: Public Swimming Pool Code*;
- h. Title 13, Chapter 265 relating to *Licenses and Business Regulations: Special Permits for Specific Businesses and Uses*;
- i. Title 13, Chapter 267 relating to *Licenses and Business Regulations: Amusements*;
- j. Title 13, Chapter 277 relating to *Licenses and Business Regulations: Building Trades Licenses*;
- k. Title 13, Chapter 278 relating to *Licenses and Business Regulations: Heating, Ventilating and Air Conditioning, Gasfitting, Oil Plumbers/Gas Fitter, Refrigeration and Steam and Hot Water Installers*;
- l. Title 13, Chapter 279 relating to *Licenses and Business Regulations: Christmas Tree Dealers*;
- m. Title 13, Chapter 283 relating to *Licenses and Business Regulations: Courtesy Benches*;
- n. Title 13, Chapter 287 relating to *Licenses and Business Regulations: Filling Stations and Bulk Oil Plants*;
- o. Title 13, Chapter 289 relating to *Licenses and Business Regulations: Fire Extinguisher Sales and Service*;
- p. Title 13, Chapter 296 relating to *Licenses and Business Regulations: Hospitals*;
- q. Title 13, Chapter 299 relating to *Licenses and Business Regulations: Ice Sale and Manufacture*;
- r. Title 13, Chapter 301 relating to *Licenses and Business Regulations: Laundries and Dry Cleaning Establishments*;

- s. Title 13, Chapter 320 relating to *Licenses and Business Regulations: Vehicle Immobilization Service*;
- t. Title 13, Chapter 331 relating to *Licenses and Business Regulations: Sidewalk Flower Cart Vendors*;
- u. Title 13, Chapter 341 relating to *Licenses and Business Regulations: Taxicabs*;
- v. Title 13, Chapter 339 relating to *Licenses and Business Regulations: Body Art Code*;
- w. Title 13, Chapter 349 relating to *Licenses and Business Regulations: Wreckers and Tow Trucks*.

Adopted 11/18/05.
Absent - Colvin Roy.

Ordinance 2005-Or-109 amending Title 13, Chapter 259 of the Minneapolis Code of Ordinances relating to *Licenses and Business Regulations: In General*, amending Section 259.30 to allow the Director of Licenses and Consumer Services to administratively approve and issue certain business license applications upon the completion of all current ordinance requirements; and establishing an appeal process for any license that would be denied for cause or failure to complete the license processes, was adopted 11/18/05 by the City Council. A complete copy of this ordinance is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized ordinance.

ORDINANCE 2005-Or-109
By Niziolek
Intro & 1st Reading: 10/21/05
Ref to: PS&RS
2nd Reading: 11/18/05

Amending Title 13, Chapter 259 of the Minneapolis Code of Ordinances relating to Licenses and Business Regulations: In General.

The City Council of the City of Minneapolis do ordain as follows:

Section 1. That Section 259.30 of the above-entitled ordinance be amended to read as follows:

259.30. Applications for licenses; ~~reference to council~~ Issuance of Licenses. (a) All applications for licenses and license permits shall be made to the director of licenses and consumer services, and in all cases where the issuance of a license or license permit is required to be authorized and directed by the city council, the application for such license or license permit shall be forthwith presented by the director to the council for its consideration. License applications by the same applicant shall be made at the same time unless a new license is applied for.

(b) Director approved licenses means those licenses which can be approved and issued by the director of licenses and consumer services, subject to the procedures required by these chapters. The following licenses can be approved and issued or denied by the director, or the director may refer the application to the city council for approval or denial. The number following the license refers to the chapter section pertaining to each license.

<u>Antique Dealer – Class A and B</u>	<u>Chapter 321</u>
<u>Billboard Erector</u>	<u>Chapter 277</u>
<u>Bulk Gas and Oil Storage</u>	<u>Chapter 287</u>
<u>Christmas Trees Dealer</u>	<u>Chapter 279</u>
<u>Cottage Cheese Distributor</u>	<u>Chapter 200</u>
<u>Courtesy Bench</u>	<u>Chapter 283</u>
<u>Dry Cleaner – Flammable, Non-Flammable,</u>	
<u> Pick-up Station, Dry Cleaning Plant Laundry</u>	<u>Chapter 301</u>
<u>Farm Produce Permit</u>	<u>Chapter 265</u>
<u>Fire Extinguisher Servicing – Class A and B</u>	<u>Chapter 289</u>
<u>Flower Cart Vendor</u>	<u>Chapter 331</u>

<u>Food – Boarding House</u>	<u>Chapter 188</u>
<u>Food – Caterer</u>	<u>Chapter 188</u>
<u>Food – Distributor – Out of Town</u>	<u>Chapter 188</u>
<u>Food – Distributor</u>	<u>Chapter 188</u>
<u>Food – Indoor Food Cart Vendor</u>	<u>Chapter 188</u>
<u>Food – Kiosk</u>	<u>Chapter 188</u>
<u>Food – Manufacturer</u>	<u>Chapter 188</u>
<u>Food – Meat Market</u>	<u>Chapter 190</u>
<u>Food – Mobile Food Vendor</u>	<u>Chapter 188</u>
<u>Food – Restaurant</u>	<u>Chapter 188</u>
<u>Food – Sidewalk Cart Food Vendor</u>	<u>Chapter 188</u>
<u>Food – Soft Drink Manufacturing and Storage</u>	<u>Chapter 198</u>
<u>Food – Soft Drink</u>	<u>Chapter 188</u>
<u>Food Shelf</u>	<u>Chapter 188</u>
<u>Fuel Dealer – cash and carry only</u>	<u>Chapter 291</u>
<u>Gas Fitter – Class A and B</u>	<u>Chapter 278</u>
<u>Heating, Ventilation and Air Conditioning Installers, Class A and B</u>	<u>Chapter 278</u>
<u>Hoofed and/or Small Animal Service</u>	<u>Chapter 304</u>
<u>Horse and Carriage Livery Service</u>	<u>Chapter 303</u>
<u>Hospital</u>	<u>Chapter 296</u>
<u>Ice Peddler</u>	<u>Chapter 299</u>
<u>Ice Producer – Dealer, Wholesale</u>	<u>Chapter 299</u>
<u>Juke Box – Musical</u>	<u>Chapter 267</u>
<u>Liquid Waster Hauler</u>	<u>Chapter 225</u>
<u>Mechanical Amusement Device</u>	<u>Chapter 267</u>
<u>Mechanical Amusement Places</u>	<u>Chapter 267</u>
<u>Milk & Grocery Delivery</u>	<u>Chapter 200</u>
<u>Milk Delivery Vehicle</u>	<u>Chapter 200</u>
<u>Milk Pasteurization Plant</u>	<u>Chapter 200</u>
<u>Milk Receiving Station</u>	<u>Chapter 200</u>
<u>Mobile Food – Prepackaged Perishable Food</u>	<u>Chapter 188</u>
<u>Motor Vehicle Immobilization Service</u>	<u>Chapter 320</u>
<u>Motor Vehicle Servicing – Towing</u>	<u>Chapter 349</u>
<u>Oil Burner Installer</u>	<u>Chapter 278</u>
<u>Pedicab</u>	<u>Chapter 305</u>
<u>Pet Shop and Mobile Pet Shop</u>	<u>Chapter 68</u>
<u>Plumber</u>	<u>Chapter 278</u>
<u>Refrigeration Systems Installer</u>	<u>Chapter 278</u>
<u>Residential Specialty Contractor</u>	<u>Chapter 277</u>
<u>Shooting Gallery</u>	<u>Chapter 267</u>
<u>Sign Hangers</u>	<u>Chapter 277</u>
<u>Solid Waste Hauler</u>	<u>Chapter 225</u>
<u>Steam and Hot Water Installer</u>	<u>Chapter 278</u>
<u>Sun Tanning Facility</u>	<u>Chapter 232</u>
<u>Swimming Pools – Public</u>	<u>Chapter 231</u>
<u>Tattooist or Piercer</u>	<u>Chapter 339</u>
<u>Taxicab – Driver</u>	<u>Chapter 341</u>
<u>Taxicab – Limited</u>	<u>Chapter 341</u>
<u>Taxicab – Vehicle</u>	<u>Chapter 341</u>
<u>Tree Servicing</u>	<u>Chapter 347</u>
<u>Wholesale Sausage Manufacturer and/or Distributor</u>	<u>Chapter 190</u>
<u>Wrecker of Buildings – Class A and B</u>	<u>Chapter 277</u>

(c) In the event that the director of licenses and consumer services denies the license application for a director approved license, the application for the license shall be presented by the director to the council for its consideration. The City Council shall have the final authority to issue or deny a license which had been denied by the director.

Adopted 11/18/05.

Absent - Colvin Roy.

Ordinance 2005-Or-110 amending Title 4, Chapter 68 of the Minneapolis Code of Ordinances relating to *Animals and Fowl: Pet Shops, Kennels, Etc*, amending Section 68.10 to allow the Director of Licenses and Consumer Services to administratively approve and issue certain business license applications upon the completion of all current ordinance requirements; and establishing an appeal process for any license that would be denied for cause or failure to complete the license processes, was adopted 11/18/05 by the City Council. A complete copy of this ordinance is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized ordinance.

ORDINANCE 2005-Or-110
By Niziolek
Intro & 1st Reading: 10/21/05
Ref to: PS&RS
2nd Reading: 11/18/05

Amending Title 4, Chapter 68 of the Minneapolis Code of Ordinances relating to Animals and Fowl: Pet Shops, Kennels, Etc.

The City Council of The City of Minneapolis do ordain as follows:

Section 1. That Section 68.10 (c) of the above-entitled ordinance be amended to read as follows:

68.10. License required; application procedure; duration.

(c) Any person desiring a license under either subdivision (a) or (b) shall file with the department of licenses and consumer services a written application to the city council for such license. The application shall state in full the name, place of residence of the applicant and, where applicable, the name and residence of the owners of the place, premises and location where the applicant desires to conduct said business. The department of licenses and consumer services shall ~~submit to the city council~~ forward such application for a license, ~~together with a report from the~~ to the commissioner of health ~~stating the commissioner's approval of for a report on~~ the sanitary conditions of the place where the applicant intends to carry on the business, including any mobile pet care vehicle, and a report from the zoning administrator where applicable. When said reports are completed, ~~the license shall be issued by the department of licenses and consumer services when authorized by the city council or denied pursuant to section 259.30.~~

Adopted 11/18/05.

Absent - Colvin Roy.

Ordinances 2005-Or-111 through 2005-Or-113 amending Title 10 of the Minneapolis Code of Ordinances relating to *Food Code*, to allow the Director of Licenses and Consumer Services to administratively approve and issue certain business license applications upon the completion of all current ordinance requirements; and establishing an appeal process for any license that would be denied for cause or failure to complete the license processes, were adopted 11/18/05 by the City Council. A complete copy of these ordinances are available for public inspection in the office of the City Clerk, and are summarized as follows:

- a. Chapter 188 relating to *Administration and Licensing*, amending Sections 188.180; 188.190; 188.210; 188.480; 188.510; 188.520; 188.530; and 188.540.
- b. Chapter 198 relating to *Soft Drink Manufacture and Storage*, amending Section 198.20.
- c. Chapter 200 relating to *Milk and Dairy Products*, amending Sections 200.50 and 200.70.

The following is the complete text of the unpublished summarized ordinance.

ORDINANCE 2005-Or-111
By Niziolek
Intro & 1st Reading: 10/21/05
Ref to: PS&RS
2nd Reading: 11/18/05

Amending Title 10, Chapter 188 of the Minneapolis Code of Ordinances relating to Food Code: Administration and Licensing.

The City Council of The City of Minneapolis do ordain as follows:

Section 1. That Section 188.180 of the above-entitled ordinance be amended to read as follows:

188.180. License application. Any person desiring a food license shall file with the department of licenses and consumer services a written application to the city council for such license, giving in such application the full name, place, date of birth and address of the owner or proprietor of the building, shop, stall, vehicle, stand or place where such food establishment is to be conducted and for which a license is desired, the location of the building or buildings, and the part or portion thereof intended to be used in the conduct of such business and under such license. If the applicant is a partnership or firm, the name, place and date of birth, residence address of all partners or persons interested therein; if a corporation, the state of incorporation, the name, place and date of birth, of all persons named in the corporation, and shall state whether or not any person named in the application has ever been convicted of any crime. Such application shall also indicate the source of funds used to begin operation of the food establishment and all documentary proof and evidence thereof including leases, contracts, purchase agreements, and financial statements. Such application shall also contain the kind, name, and location of every business or occupation applicant has been engaged in during the preceding ten (10) years, and the street address at which the applicant has lived during the preceding ten (10) years. The applicant shall state in such application the nature of the business to be conducted. If the applicant proposes to operate more than one of such businesses, the applicant shall so state in the application and shall describe the part or portion of the building or place wherein the applicant proposes to conduct each of such businesses. If a license is granted, the part or portion of said building used as a food establishment shall conform to and the equipment and operation be in accordance with the provisions of this chapter

Section 2. That Section 188.190 of the above-entitled ordinance be amended to read as follow:

188.190. Health inspection, recommendation required; license issuance or denial. Upon the filing of the application for a license hereunder it shall be presented to the city council and referred to the manager of environmental health for investigation, report and recommendation, ~~which shall be returned to the city council within fourteen (14) days after receipt of application for license.~~ After the report and recommendation of the manager of environmental health have been received by the city council ~~it may then~~ the director of licenses and consumer services, the license may be granted, postpone or denied such application and, if granted notwithstanding the disapproval of the manager of environmental health, the minutes of the city council shall so states pursuant to section 259.30.

Section 3. That Section 188.210 of the above-entitled ordinance be amended to read as follows:

188.210. Application for additional vending machines. After a vending machine license has been issued by the city council, upon a written application to the department of licenses and consumer services and payment of the fee provided in section 188.250 of this Code for each additional machine, the licensee may receive licenses for additional machines over and above the number stated in the original application. The application for such license shall state the desired additional number, the date and number of the original license, the street address of the property or place wherein the additional

machines are intended to be installed and shall be signed in the manner required for an original application.

Section 4. That Section 188.480 (11) of the above-entitled ordinance be amended to read as follows:

188.480. Mobile operation. It shall be unlawful to open, to operate any mobile food vending or mobile food manufacturing vehicle in the city, unless it is licensed, operated and conducted in accordance with the following conditions:

(11) Notwithstanding the limitations in subsection (1), ~~the city council may issue licenses~~ may be issued under this section for the sale of prepackaged perishable foods from nonmotorized carts operating exclusively on park board property with the approval of the park board. Each applicant for a license under this subsection shall include in the application a proposed operating location or route. The construction and dimensions of each cart, and all food and beverage items sold from such carts, shall be subject to the approval of the manager of environmental health. Each mobile food cart shall meet National Sanitation Foundation (NSF) standards for food storage preparation and dispensing. Each cart shall be stored, cleaned and serviced on a daily basis at a permanent location in the City of Minneapolis licensed as a food distributor or manufacturer. All other provisions of this section, except subsection (1), shall apply to a license issued under this subsection.

Section 5. That Section 188.510 of the above-entitled ordinance be amended to read as follows:

188.510. Sidewalk cart food vendors. Notwithstanding the provisions of sections 188.110, 188.480(8), 427.110 and 427.130 of this Code, ~~the city council may issue licenses~~ may be issued pursuant to section 259.30 for sidewalk cart food vendors for the sale of specified food and beverage items from mobile pushcarts on the public sidewalks, which shall be operated and conducted in accordance with the following conditions:

(1) Each sidewalk cart shall be separately licensed and may operate only at the location specified in the license, except as permitted in subsection (20). However, in the event a licensee holds licenses for more than one location, the licensee may place any of the licensee's licensed carts at any location for which the licensee holds a license. No licensee may trade carts or locations with another licensee; however, should a licensee apply for and be granted a different location for a cart during the licensing year and chooses to surrender the original location for that cart, the fee for such midseason cart location transfer shall be the fee indicated in section 188.250 of this Code for transfer alone.

(2) Application procedure:

- a. Each applicant shall file an application with the department of licenses and consumer services on forms provided by the department. In addition to the requirements of section 188.180 of this Code, the director of licenses and consumer services may require such information on the application as the director considers reasonable and necessary.
- b. No application for a single license or for the first of several licenses shall be accepted for filing unless the applicant files therewith plans and specifications for the cart which have been approved by the manager of environmental health. Provided, however, that if the cart is not ready and available for inspection sixty (60) days after the application is filed, the applicant's proposed operating location shall be available to other applicants, and the applicant shall be required to select a new location.

No application from a single applicant for licenses beyond a first license shall be accepted for filing unless the applicant possesses sidewalk carts ready and available for inspection for each location beyond the first location. A single applicant, for the purposes of this section, shall mean an individual person, or any member of that person's immediate family and shall also include a corporation and any corporation with substantially the same ownership or ownership by persons of the immediate family of the stockholders of that corporation or partnership.

- c. Each applicant shall include in the application a proposed operating location. The proposed location shall be referred to the director of public works for the approval or disapproval. The director of public works shall not approve a location where a sidewalk cart would substantially impair the movement of pedestrians or vehicles, or pose a hazard to public safety. Further, the director of public works shall not approve any location which is adjacent to a bus stop, taxi stand, or handicap loading zone, within fifty (50) feet of an intersection, within three (3) feet of a curb, or directly in front of a commercial entryway. If the applicant's proposed location is disapproved, the applicant shall be so notified, and the applicant may select an alternate location, which shall also be referred to the director of public works for approval or disapproval. A holder of a valid license for the previous license year may renew that license and thereby reserve that location for another license year. Any license not renewed by April fifteenth shall cause that location to become available to other applicants. Licenses may be renewed between April first and April fifteenth by the payment of a late fee in addition to the license fee. All licensees shall be notified of the availability of locations which have been vacated or for which licenses have not been renewed. The notification shall include a due date for applicants for these locations and a date upon which a lottery will be held to choose among multiple applicants.
 - d. The director of public works shall refer the subject of sidewalk cart food vendors on the Nicollet Mall to the advisory board provided for in Minnesota Statutes, Section 430.101, subdivision 3. The advisory board shall report its recommendations concerning the number and location of sidewalk cart sites on the Nicollet Mall to the director of public works. The director of public works shall review the board's report and prepare a list of approved locations on the Nicollet Mall. The list shall be available in the department of licenses and consumer services to any applicant or interested person.
 - e. No location which has been chosen in a previous application shall be available for selection.
- (3) All sidewalk cart food vendor licenses shall expire on April first of each year subject to renewal year to year thereafter.
- (4) No sidewalk cart shall have dimensions exceeding four (4) feet in width, eight (8) feet in length and eight (8) feet in height. However, a cart may be equipped with an awning which overhangs by not more than twelve (12) inches in any direction. Each sidewalk cart shall be self-propelled and capable of being moved and kept under control by one person traveling on foot. ~~The city council may grant a~~ A special license may be granted to a handicapped person to operate a sidewalk cart propelled by electric motor, provided that the applicant shall meet all other conditions for a license.
- (5) Location restrictions:
- a. Sidewalk cart food vendors may operate only within the area bounded by the following: Commencing at the intersection of Third Avenue North and the Mississippi River, thence southeasterly along the Mississippi River to Interstate 35 West, thence southerly along Interstate 35 West to Interstate 94, thence westerly and northerly along Interstate 94 to Glenwood Avenue, thence easterly to Tenth Street, thence northerly to Third Avenue North, thence northeasterly to the point of beginning or the sidewalk abutting the south side of Vineland Place between Lyndale Avenue South and Bryant Avenue South.

- b. A sidewalk cart food vendor licensed under this section may operate on privately or publicly owned property, within the boundaries described in subparagraph (1) above, with the express written consent of the property owner, and the approval of the director of public works.
- (6) A sidewalk cart food vendor license shall not be transferable from person to person nor from place to place without approval of the ~~city council~~ director of licenses and consumer services.
- (7) Every licensee shall maintain a permanent location within the City of Minneapolis for the storage and preparation of food and beverages carried by the licensee's sidewalk cars, and for the cleaning and servicing of those carts. Such permanent location shall comply in all respects with the requirements of the Minneapolis Food and Beverage Ordinances, and shall be separately licensed as a food distributor. Each sidewalk cart shall return to the permanent location at least once daily for cleaning and servicing.
- (8) Each sidewalk cart shall meet National Sanitation Foundation (NSF) standards for food storage, preparation and dispensing. Toilet facilities shall be required at the permanent location but not on each cart.
- (9) Each cart shall carry adequate hand-washing facilities for the employees of the licensee. A waste retention tank with fifteen (15) percent larger capacity than water supply tank shall be provided.
- (10) All waste liquids, garbage, litter and refuse shall be kept in leakproof, nonabsorbent containers which shall be kept covered with tight-fitting lids and properly disposed of at the permanent location. No waste liquids, garbage, litter or refuse shall be dumped or drained into sidewalks, streets, gutters, drains, trash receptacles or any other place except at the permanent location. When leaving the sales area the licensee or his employees shall pick up all litter resulting from his business and shall deposit such litter in an approved container located on his cart.
- (11) The manager of environmental health shall publish, and may from time to time amend, a list of approved food and beverage items which may be sold by sidewalk cart food vendors. No items of any kind, other than approved food and beverage items, shall be sold or dispensed from sidewalk carts.
- (12) There shall be issued to each licensee a suitable decal for each licensed pushcart. Every pushcart licensed under this chapter shall at all times have the decal permanently and prominently fastened on the pushcart.
- (13) Affixed permanently and prominently to each pushcart shall be a sign no smaller than twelve (12) inches by twelve (12) inches displaying the name, address and telephone number of the pushcart owner.
- (14) Each licensee shall provide proof of liability insurance in the amount of one hundred thousand dollars (\$100,000.00) for individuals, three hundred thousand dollars (\$300,000.00) for any single incident and ten thousand dollars (\$10,000.00) for property damage. A certificate of insurance shall be delivered to the director of licenses and consumer services prior to issuance of a license. The city shall be named an additional insured.
- (15) No sidewalk cart operator shall use lights or noisemakers, such as bells, horns or whistles, to attract customers. A sidewalk cart operator may use battery-operated lights with protective shielding for the purpose of illuminating food and utensils.

- (16) No sidewalk cart shall operate before 7:00 a.m. or after 11:00 p.m. on any day.
- (17) No sidewalk cart shall operate, park, stand or stop in any street or alley except to cross at designated street crossings.
- (18) The city council shall establish a reasonable fee, not to exceed two hundred fifty dollars (\$250.00) per year, to be charged to each sidewalk cart food vendor not located on a specially assessed mall, to defray the cost of cleanup and maintenance and other policing in connection with the operation of the food cart.
- (19) Any sidewalk cart operator who shall fail to operate at any licensed location for thirty (30) consecutive days between May first and October first shall forfeit that location. The department of licenses and consumer services shall notify all licensees of the vacation of said location and shall set a date for a lottery, if necessary, to choose among multiple applicants.
- (20) Notwithstanding other provisions of this section, a licensed sidewalk cart may operate at an indoor location other than its normal sidewalk location, with the approval of the environmental health division and the consent of the property owner, during the following times:
 - a. Between October first and April thirtieth.
 - b. Between May first and October first only during periods of inclement weather.

All other conditions and restrictions of this section shall continue to apply to a sidewalk cart operated at an indoor location under this subsection.

Section 6. That Section 188.520 (a) of the above-entitled ordinance be amended to read as follows:

188.520. Indoor food cart vendors. (a) ~~The city council may issue a~~ A food license may be issued pursuant to section 259.30 for the operation of a food cart on indoor private property in accordance with the provisions of this section.

Section 7. That Section 188.530 (a) of the above-entitled ordinance be amended to read as follows:

188.530. Kiosk food cart vendors. (a) Notwithstanding the provision of sections 188.450 and 188.510(7), ~~the city council may issue a~~ food license may be issued pursuant to section 259.30 for the operation of a food cart in a kiosk on private property in accordance with the provisions of this section.

Section 8. That Section 188.540 (2) of the above-entitled ordinance be amended to read as follow:

188.540. Regulations of outdoor areas in retail food establishments. The following regulations shall apply to all outdoor areas in retail food establishments which do not hold on-sale liquor, wine, or beer licenses, including establishments holding sidewalk cafe permits:

- (2) Entertainment:
 - a. No food establishment shall conduct entertainment, including nonlive entertainment such as radio, taped music, and television, in an outdoor area without approval of the city council.
 - b. In the downtown and eastbank commercial district described in section 362.430 of this Code, the city council may approve any forms of entertainment unless otherwise prohibited by law.

- c. Outside the downtown and eastbank commercial district described in section 362.430 of this Code, the city council may approve only those forms of entertainment which would be authorized under a class E on-sale liquor, wine, or beer license.
- d. Regardless of the forms of entertainment authorized for an outdoor area, the city council may further restrict the days, hours, nature, volume, and other aspects of entertainment in any outdoor area, including a prohibition against all forms of nonlive music, radio, television, and other entertainment, to protect the safety, repose, and welfare of residents, businesses and other uses near the establishment.
- e. The city council may authorize an establishment to conduct entertainment not otherwise allowed under its license in an outdoor area by permit temporarily for special events. Application for such permit shall be filed with the department of licenses and consumer services on a form prescribed by the director. The fee for a temporary entertainment permit shall be ~~one hundred fourteen dollars (\$114.00)~~ as established in Appendix J, License Fee Schedule.

Adopted 11/18/05.
Absent - Colvin Roy.

The following is the complete text of the unpublished summarized ordinance.

ORDINANCE 2005-Or-112
By Niziolek
Intro & 1st Reading: 10/21/05
Ref to: PS&RS
2nd Reading: 11/18/05

Amending Title 10, Chapter 198 of the Minneapolis Code of Ordinances relating to Food Code: Soft Drink Manufacture and Storage.

The City Council of The City of Minneapolis do ordain as follows:

Section 1. That Section 198.20 of the above-entitled ordinance be amended to read as follows:

198.20. Application for license. Any person desiring a license under this chapter shall file ~~with the commissioner of health~~ a written application ~~to the city council~~ for such license. The application should state the name and place of residence of the applicant, the name and place of the owner of the premises, and the location of the place where the applicant desires to manufacture or deal at wholesale in such beverages. Upon the filing of such application for a license, it shall be referred to the commissioner of health for investigation, report and recommendation ~~the commissioner of health shall examine or cause to be examined the premises and materials of the place proposed to be licensed and shall report his approval or disapproval of the same. After the report and recommendation of the commissioner of health have been received by the director of licenses and consumer services, the license may be granted or denied pursuant to section 259.30.~~

Adopted 11/18/05.
Absent - Colvin Roy.

The following is the complete text of the unpublished summarized ordinance.

ORDINANCE 2005-Or-113
By Niziolek
Intro & 1st Reading: 10/21/05
Ref to: PS&RS
2nd Reading: 11/18/05

Amending Title 10, Chapter 200 of the Minneapolis Code of Ordinances relating to Food Code: Milk and Dairy Products.

The City Council of The City of Minneapolis do ordain as follows:

Section 1. That Section 200.50 (a) of the above-entitled ordinance be amended to read as follows:

200.50. Distributors' licenses. No person shall sell within the city any pasteurized milk or milk products unless such milk or milk products have been pasteurized in a pasteurization plant for which a certificate of inspection has been secured. No person shall process the same within the city without first having obtained a milk pasteurization license.

(a) Application for a milk distributor's license shall be made to the department of licenses and consumer services, ~~for approval by the city council.~~ Such application shall be accompanied by the fee or fees herein set forth and established in Appendix J, License Fee Schedule, payable to the city finance officer. ~~Upon approval and authorization by the city council, the department of licenses and consumer services shall issue the license applied for.~~ The license shall be issued or denied pursuant to section 259.30.

Section 2. That Section 200.70 (a) of the above-entitled ordinance be amended to read as follows:

200.70. Vehicle licenses. (a) No person shall use or operate on any public highway in the city any vehicle used for the delivery of milk, or its products, or groceries and milk, without first having obtained a license ~~from the city council~~ in the manner hereinafter provided, except those vehicles exempt under Minnesota Statutes. This shall not be construed to apply to any retail grocery store vehicle delivering milk, its products, or groceries and milk, to city homes or places of business during the ordinary course of the delivery system operated by the grocery store. The application for such license shall be made to the department of licenses and consumer services and shall be accompanied by the fee or fees hereinafter set forth, payable to the city finance officer. ~~The application for such license shall be presented to the city council, and if approved by the council, a license shall be issued.~~ The license shall be issued or denied pursuant to section 259.30. Licenses shall be transferable from one approved vehicle to another, owned by the same owner, at any time upon the payment of the requisite transfer fee.

Adopted 11/18/05.

Absent - Colvin Roy.

Ordinances 2005-Or-114 and 2005-Or-115 amending Title 11 of the Minneapolis Code of Ordinances relating to *Health and Sanitation*, to allow the Director of Licenses and Consumer Services to administratively approve and issue certain business license applications upon the completion of all current ordinance requirements; and establishing an appeal process for any license that would be denied for cause or failure to complete the license processes, were adopted 11/18/05 by the City Council. A complete copy of these ordinances are available for public inspection in the office of the City Clerk, and are summarized as follows:

- a. Chapter 225 relating to *Garbage and Refuse*, amending Section 225.290.
- b. Chapter 231 relating to *Public Swimming Pool Code*, amending Section 231.110.

The following is the complete text of the unpublished summarized ordinance.

ORDINANCE 2005-Or-114
By Niziolek
Intro & 1st Reading: 10/21/05
Ref to: PS&RS
2nd Reading: 11/18/05

Amending Title 11, Chapter 225 of the Minneapolis Code of Ordinances relating to Health and Sanitation: Garbage and Refuse.

The City Council of The City of Minneapolis do ordain as follows:

Section 1. That Section 225.290 of the above-entitled ordinance be amended to read as follows:

225.290. License required; application, issuance. No person shall engage in the business or occupation of hauling solid waste within the city without first obtaining a license so to do and complying with all the requirements for the conduct of such business as hereinafter provided. Application for such license shall be made to the department of licenses and consumer services and shall be accompanied by the fees hereinafter set forth, payable to the city finance officer. Such application shall be subscribed and sworn to by the applicant and shall contain the name and address of the proposed licensee and the owner of the vehicle or vehicles to be used in the collection and hauling of solid waste, together with a description of the vehicle. ~~The application shall be presented to the city council, and if approved by the council, a~~ A license shall be issued or denied pursuant to section 259.30.

Adopted 11/18/05.

Absent - Colvin Roy.

The following is the complete text of the unpublished summarized ordinance.

ORDINANCE 2005-Or-115
By Niziolek
Intro & 1st Reading: 10/21/05
Ref to: PS&RS
2nd Reading: 11/18/05

Amending Title 11, Chapter 231 of the Minneapolis Code of Ordinances relating to Health and Sanitation: Public Swimming Pool Code.

The City Council of The City of Minneapolis do ordain as follows:

Section 1. That Section 231.110 of the above-entitled ordinance be amended to read as follows:

231.110. License required. No person shall operate or permit swimming in a public swimming pool, regardless whether a fee is charged for such use, without a valid public swimming pool license issued ~~by the city council~~ pursuant to this chapter. Issuance of public swimming pool licenses shall be governed by Chapter 259, 261 and 263 of this Code. Where a property has more than one (1) pool located upon it, separate authorization shall be obtained for each pool, and the license fee shall be according to the fee schedule provided in this chapter. Minneapolis Park and Recreation Board and Special School District No. 1 shall be required to obtain licenses for public swimming pools that they own or operate; however, no license fee shall be charged.

Adopted 11/18/05.

Absent - Colvin Roy.

Ordinances 2005-Or-116 through 2005-Or-131 amending Title 13 of the Minneapolis Code of Ordinances relating to *Licenses and Business Regulations*, to allow the Director of Licenses and Consumer Services to administratively approve and issue certain business license applications upon the completion of all current ordinance requirements; and establishing an appeal process for any license

that would be denied for cause or failure to complete the license processes, were adopted 11/18/05 by the City Council. A complete copy of these ordinances are available for public inspection in the office of the City Clerk, and are summarized as follows:

- a. Chapter 265 relating to *Special Permits for Specific Businesses and Uses*, amending Sections 265.360 and 265.380.
- b. Chapter 267 relating to *Amusements*, amending Sections 267.640; 267.880; 267.960; 267.1690; 267.1700; 267.1750; and repealing Section 267.1670.
- c. Chapter 277 relating to *Building Trades Licenses*, amending Sections 277.2270; 277.2290; 227.2310; 227.2480; 277.2510; and 277.2960.
- d. Chapter 278 relating to *Heating, Ventilating and Air Conditioning, Gasfitting, Oil Plumbers/Gas Fitter, Refrigeration and Steam and Hot Water Installers*, amending Sections 278.180 and 278.220.
- e. Chapter 279 relating to *Christmas Tree Dealers*, amending Section 279.30.
- f. Chapter 283 relating to *Courtesy Benches*, repealing Section 283.130; and amending Section 283.140.
- g. Chapter 287 relating to *Filling Stations and Bulk Oil Plants*, amending Sections 287.20 and 287.70.
- h. Chapter 289 relating to *Fire Extinguisher Sales and Service*, amending Sections 289.50 and 289.80.
- i. Chapter 296 relating to *Hospitals*, amending Section 296.40.
- j. Chapter 299 relating to *Ice Sale and Manufacture*, amending Sections 299.50; 299.70; 299.100; and 299.160.
- k. Chapter 301 relating to *Laundries and Dry Cleaning Establishments*, amending Sections 301.40 and 301.160.
- l. Chapter 320 relating to *Vehicle Immobilization Service*, amending Section 320.45.
- m. Chapter 331 relating to *Sidewalk Flower Cart Vendors*, amending Sections 331.10; 331.90; and 331.100.
- n. Chapter 341 relating to *Taxicabs*, amending Sections 341.10; 341.310; 341.360; 341.380; 341.510; 341.530; 341.580; 341.600; 341.655; and 341.660.
- o. Chapter 339 relating to *Body Art Code*, amending Section 339.60.
- p. Chapter 349 relating to *Wreckers and Tow Trucks*, amending Sections 349.60; 349.65; and 349.130.

The following is the complete text of the unpublished summarized ordinance.

ORDINANCE 2005-Or-116
By Niziolek
Intro & 1st Reading: 10/21/05
Ref to: PS&RS
2nd Reading: 11/18/05

Amending Title 13, Chapter 265 of the Minneapolis Code of Ordinances relating to Licenses and Business Regulations: Special Permits for Specific Businesses and Uses.

The City Council of The City of Minneapolis do ordain as follows:

Section 1. That Section 265.360 of the above-entitled ordinance be amended to read as follows:

265.360. Authorized license required. A for-profit organization, or nonprofit organization formed under Minnesota Statutes, Chapter 309 and 315, or a seasonal short-term food establishment, as defined in section 188.10 of this Code, may apply to the city council by and through the department of licenses and consumer services for a farmer's market license to allow the sale of vegetables, fruits, garden produce, farm produce, and arts and crafts on its premises or on public rights-of-way subject to approval by the department. An additional permit is required for the sale of potentially hazardous foods as defined by the United States Food and Drug Administration 1976 Food Service Sanitation Manual. Each license granted under this article shall expire April first of each year.

Section 2. That Section 265.380 of the above-entitled ordinance be amended to read as follows:

265.380. Permit procedure. (a) An applicant for a permit under this article shall file its application therefor with the city council on forms provided by the director of licenses and consumer services.

(b) Upon the filing of the application, the director of licenses and consumer service shall notify the commissioner of health and the council member of the ward in which the sale is to be conducted of the application, and shall refer the same to the standing committee on licenses for its consideration. Upon recommendation of approval by said committee, the director of licenses and consumer services shall forthwith issue the permit the license shall be issued or denied pursuant to section 259.30.

Adopted 11/18/05.

Absent - Colvin Roy.

The following is the complete text of the unpublished summarized ordinance.

ORDINANCE 2005-Or-117

By Niziolek

Intro & 1st Reading: 10/21/05

Ref to: PS&RS

2nd Reading: 11/18/05

Amending Title 13, Chapter 267 of the Minneapolis Code of Ordinances relating to Licenses and Business Regulations: Amusements.

The City Council of The City of Minneapolis do ordain as follows:

Section 1. That Section 267.640 of the above-entitled ordinance be amended to read as follows:

267.640. Impounding of machines. Any machine found to be in noncompliance with section 267.620 of this article shall be impounded by the police department or the director of the department of licenses and consumer services, and any impounded machine may be reclaimed by the owner within thirty (30) days from the date of impounding and upon the payment to the city of costs sufficient to defray the expense of impounding and storage, and any reclaimed machine shall not be used except upon compliance with the terms of this article. If the machine is not reclaimed within the thirty (30) days above specified, it may be destroyed or disposed of at the discretion ~~and direction of the city council~~ of the director of licenses and consumer services.

Section 2. That Section 267.880 of the above-entitled ordinance be amended to read as follows:

267.880. Transfer of licenses. Licenses issued under this article may be transferred from person to person or from place to place with the consent of the city council or issuing authority.

Section 3. That Section 267.960 of the above-entitled ordinance be amended to read as follows:

267.960. License issuance; fee. ~~The director of licenses and consumer services shall issue a license may be issued or denied pursuant to section 259.30, when authorized by the city council,~~ for the operation of such devices to any person of good moral character, upon payment of an annual license fee as established in Appendix J, License Fee Schedule. Only one license fee shall be required for each establishment desiring to maintain and operate one or more telephonic musical boxes.

Section 4. That Section 267.1670 of the above-entitled ordinance be and is hereby repealed:

267.1670. Approval of council member. ~~The application must have endorsed thereon the written approval of the council member of the ward in which the gallery is located.~~

Section 5. That Section 267.1690 of the above-entitled ordinance be amended to read as follows:

267.1690. Issuance of license. Upon the receipt by the director of licenses and consumer services of the application, and upon compliance by the applicant with all the regulations, conditions and terms of this article, ~~and after action of the city council granting same,~~ and upon the payment of the fee, ~~the director of licenses and consumer services shall a license may be issued or denied, pursuant to section 259.30,~~ to the applicant a license to operate a shooting gallery at the location described in said application.

Section 6. That Section 267.1700 of the above-entitled ordinance be amended to read as follows:

267.1700. Transfer of license prohibited. ~~No license issued under this article shall be transferred without the consent of the city council.~~ Licenses issued under this article may not be transferred to a new owner or proprietor. The new owner or proprietor must file a new application and said change is not effective unless a license is granted to the new owner or proprietor.

Section 7. That Section 267.1750 of the above-entitled ordinance be amended to read as follows:

267.1750. Location. No shooting gallery shall be located nearer than one thousand (1,000) feet to the entrance of any school, church or hospital, nor in any location which ~~in the opinion of the city council~~ will result in the annoyance of any nearby resident. However, a license may be issued for a shooting gallery in the convention center, notwithstanding this section, if all of the other provisions of this article are complied with.

Adopted 11/18/05.

Absent - Colvin Roy.

The following is the complete text of the unpublished summarized ordinance.

ORDINANCE 2005-Or-118
By Niziolek
Intro & 1st Reading: 10/21/05
Ref to: PS&RS
2nd Reading: 11/18/05

Amending Title 13, Chapter 277 of the Minneapolis Code of Ordinances relating to Licenses and Business Regulations: Building Trades Licenses.

The City Council of the City of Minneapolis do ordain as follows:

Section 1. That Section 277.2270 of the above-entitled ordinance be amended to read as follows:

277.2270. License required. Except as hereinafter provided, no person shall wreck, demolish or tear down, or engage in the business of wrecking, demolishing or tearing down any building or structure within the city without first having obtained a license ~~from the city council to do so.~~

Section 2. That Section 277.2290 of the above-entitled ordinance be amended to read as follows:

277.2290. Application. Application for such license shall be made to the ~~city council~~ director of licenses and consumer services, in writing, stating therein the name of the person, firm or corporation desiring such license and the place of business. Said application shall be accompanied by the finance officer's receipt for the license fee and ~~a written recommendation by the director of inspections, based upon standards promulgated by the director and approved by the city council relating to the competency, experience and equipment inventory of an applicant.~~

Section 3. That Section 277.2310 of the above-entitled ordinance be amended to read as follows:

277.2310. Issuance of license. Each such license shall be issued or denied pursuant to section 259.30, ~~by the director of licenses and consumer services, upon order of the city council.~~

Section 4. That Section 277.2480 of the above-entitled ordinance be amended to read as follows:

277.2480. Application for license. Every person desiring a sign hanger's license or a billboard erector's license, as required by section 109.10, shall make application ~~therefor~~ to the director of ~~regulatory services~~ licenses and consumer services.

Section 5. That Section 277.2510 of the above-entitled ordinance be amended to read as follows:

277.2510. Issuance of license. Upon the execution of the above-required bond, the license may be granted or refused, ~~in the discretion of the city council.~~ ~~The license shall be issued by the director of licenses and consumer services upon order of the city council~~ denied pursuant to section 259.30.

Section 6. That Section 277.2960 of the above-entitled ordinance be amended to read as follows:

277.2960. License required. No person shall own, operate, maintain, conduct or engage in the residential specialty contracting business, transact a building contract or hold himself or herself out as being able to do without having first secured a residential specialty contractor license from the ~~city council~~. Said license shall be issued in accordance with the provisions of this article.

Adopted 11/18/05.

Absent - Colvin Roy.

The following is the complete text of the unpublished summarized ordinance.

ORDINANCE 2005-Or-119
By Niziolek
Intro & 1st Reading: 10/21/05
Ref to: PS&RS
2nd Reading: 11/18/05

Amending Title 13, Chapter 278 of the Minneapolis Code of Ordinances relating to Licenses and Business Regulations: Heating, Ventilating and Air Conditioning, Gasfitting, Oil, Plumber/ Gas Fitter, Refrigeration and Steam and Hot Water Installers.

The City Council of The City of Minneapolis do ordain as follows:

Section 1. That Section 278.180 of the above-entitled ordinance be amended to read as follows:

278.180. Application. Every person desiring a license as described in this chapter shall make written application to the ~~city council~~ director of licenses and consumer services, stating therein the name of the person, partnership, corporation or other business entity desiring such license, the principal place of business, and the master installer in responsible charge of the work in each of the trades for which application is made. In case of removal therefrom, the applicant shall immediately notify, in writing, the director of inspections of the address of the new place of business. In case of a change in the master installer, the applicant shall immediately notify, in writing, the director of inspections of the name of the master installer in responsible charge of work as defined in this chapter.

Section 2. That Section 278.220 of the above-entitled ordinance be amended to read as follow:

278.220. Issuance of licenses. Each contractor license shall be issued or denied by the director of licenses and consumer services ~~upon order of the city council~~ pursuant to section 259.30.

Adopted 11/18/05.

Absent - Colvin Roy.

The following is the complete text of the unpublished summarized ordinance.

ORDINANCE 2005-Or-120
By Niziolek
Intro & 1st Reading: 10/21/05
Ref to: PS&RS
2nd Reading: 11/18/05

Amending Title 13, Chapter 279 of the Minneapolis Code of Ordinances relating to Licenses and Business Regulations: Christmas Tree Dealers.

The City Council of The City of Minneapolis do ordain as follows:

Section 1. That Section 279.30 of the above-entitled ordinance be amended to read as follows:

279.30. Grounds for denial or non-renewal. A Christmas tree dealer's license may be denied or renewal refused ~~by the city council~~ for any one or more of the following reasons:

- (1) Fraud, misrepresentation, or bribery in securing a license.
- (2) The making of any false statement as to or omission of any material matter in any application for a license.
- (3) Previous failure to restore a lot to its original condition as required by section 279.70.
- (4) Failure to comply with any other provision of this chapter or any rule or regulation or city law within the scope of regulating a Christmas tree dealer for the protection of the public.

Adopted 11/18/05.

Absent - Colvin Roy.

The following is the complete text of the unpublished summarized ordinance.

ORDINANCE 2005-Or-121
By Niziolek
Intro & 1st Reading: 10/21/05
Ref to: PS&RS
2nd Reading: 11/18/05

Amending Title 13, Chapter 283 of the Minneapolis Code of Ordinances relating to Licenses and Business Regulations: Courtesy Benches.

The City Council of The City of Minneapolis do ordain as follows:

Section 1. That Section 283.130 of the above-entitled ordinance be and is hereby repealed.

~~**283.130. Consent of council member, department, city engineer.** No license shall be granted without the consent of the council member of the ward in which the bench is to be located, nor without the approval of the department of licenses and consumer services and the city engineer.~~

Section 2. That Section 283.140 of the above-entitled ordinance be amended to read as follows:

283.140. Council action Issuance of License. All applications, when approved by the department of licenses and consumer services and the city engineer, shall be presented to the city council, which may granted or denied any one or more of the applications made pursuant to section 259.30.

Adopted 11/18/05.

Absent - Colvin Roy.

The following is the complete text of the unpublished summarized ordinance.

ORDINANCE 2005-Or-122
By Niziolek
Intro & 1st Reading: 10/21/05
Ref to: PS&RS
2nd Reading: 11/18/05

Amending Title 13, Chapter 287 of the Minneapolis Code of Ordinances relating to Licenses and Business Regulations: Filling Stations and Bulk Oil Plants.

The City Council of The City of Minneapolis do ordain as follows:

Section 1. That Section 287.20 of the above-entitled ordinance be amended to read as follows:

287.20. Application for building permit. Application for permit to build and operate any such filling station or bulk oil plant shall be made to the ~~council~~ director of licenses and consumer services in writing, which application shall designate the location of the proposed station or plant, number and capacity of tanks, number of pumps, grease pit or grease hoist and whether for public or private use. Blueprints shall accompany the application, giving all such information and shall be subject to approval by the chief of the fire department, the director of inspections, and the zoning administrator. After inspection of the location of such proposed filling station or bulk oil plant shall have been made, one copy of the blueprints shall be retained in the files of the fire prevention bureau. No work of any kind shall be started until the application for permit is passed by the city council and the plans approved. The fee for each such permit, either for a gasoline filling station or bulk oil plant, shall be six dollars (\$6.00) which shall be paid to the department of licenses and consumer services at the time the application is submitted.

Section 2. That Section 287.70 of the above-entitled ordinance be amended to read as follows:

287.70. Transfer of licenses prohibited. ~~Such licenses shall be transferable only (1) when the licensee desires to change the place of business, and (2) when the licensee has sold and disposed of the business. No transfer of any such license shall be made except with the consent of the city council. All applications for consent of the council to the transfer of any such license shall be made to the council in writing, such applications to be signed by both the licensee and the person or persons to whom it is desired to transfer the same. Where the licensee has abandoned or discontinued the business~~

conducted under such license or has been dispossessed of the premises by legal proceedings, or where the licensee's occupancy of said premises as a tenant has terminated, the council may grant a new license to the incoming tenant or proprietor for the unexpired term, regardless of the failure or refusal of said licensee to join in the application for such new license. In the event that the licensee desires to change the place of business the licensee shall apply for a new license with the director of licenses and consumer services. If the ownership of the licensee changes, the new owner shall apply for a new license from the director of licenses and consumer services.

Adopted 11/18/05.

Absent - Colvin Roy.

The following is the complete text of the unpublished summarized ordinance.

ORDINANCE 2005-Or-123
By Niziolek
Intro & 1st Reading: 10/21/05
Ref to: PS&RS
2nd Reading: 11/18/05

Amending Title 13, Chapter 289 of the Minneapolis Code of Ordinances relating to Licenses and Business Regulations: Fire Extinguisher Sales and Service.

The City Council of The City of Minneapolis do ordain as follows:

Section 1. That Section 289.50 of the above-entitled ordinance be amended to read as follows:

289.50. Application for license; issuance. (a) Any person desiring to engage in the business of servicing fire extinguishers as herein defined, and any person desiring to service his own fire extinguishers shall make written application to the ~~Minneapolis City Council~~ director of licenses and consumer services for a license so to do. Such application shall be made on forms to be provided by the department of licenses and consumer ~~affairs~~ services, and said application shall state thereon the name of the person, firm or corporation desiring such license and the place of business. An application for a Class B license shall include the address of all locations to be serviced by the applicant.

(b) No such license shall be issued unless such person, or, where the applicant is a firm or corporation, a member of such firm or officer of such corporation at the time of the making of the application, is the holder of a valid existing general certificate of competency, certified to by the fire marshal. No such license shall be issued unless the applicant has such equipment and facilities as are reasonably necessary and adequate for servicing fire extinguishers.

Section 2. That Section 289.80 of the above-entitled ordinance be amended to read as follows:

289.80. Certificates of competency classified. Certificates of competency, for the purposes of this chapter, shall be of two (2) kinds, apprentice and general. A general certificate of competency shall authorize the holder thereof, when duly licensed ~~by the city council~~, to engage in and carry on the business of servicing fire extinguishers as herein defined. The apprentice certificate of competency shall authorize the holder of such certificate to train for the occupation of servicing fire extinguishers under the supervision and direction of a person holding a general certificate.

Adopted 11/18/05.

Absent - Colvin Roy.

The following is the complete text of the unpublished summarized ordinance.

ORDINANCE 2005-Or-124
By Niziolek
Intro & 1st Reading: 10/21/05
Ref to: PS&RS
2nd Reading: 11/18/05

Amending Title 13, Chapter 296 of the Minneapolis Code of Ordinances relating to Licenses and Business Regulations: Hospitals.

The City Council of The City of Minneapolis do ordain as follows:

Section 1. That Section 296.40 of the above-entitled ordinance be amended to read as follows:

296.40. Approval procedure. The application for such license shall forthwith be presented by the director of licenses and consumer services ~~to the city council for its consideration, and if approved by the council, the license shall be granted subject to the approval of the commissioner of health; the application shall then be delivered to the commissioner of health.~~ If the application is then approved by the commissioner of health, the commissioner shall so certify in writing on the application and deliver it to the director of licenses and consumer services who ~~shall issue such license~~ may issue or deny the license pursuant to section 259.30. In the event the commissioner of health does not approve the granting of such license, the commissioner shall so certify in writing on the application not so approved and return the same to the council, which ~~may then grant or refuse such license notwithstanding the action of the commissioner of health~~ director of licenses and consumer services. When any such application is not approved by the commissioner of health or the commissioner's deputy, the director of licenses and consumer services shall not issue the license unless authorized and directed to do so by the city council.

Adopted 11/18/05.

Absent - Colvin Roy.

The following is the complete text of the unpublished summarized ordinance.

ORDINANCE 2005-Or-125
By Niziolek
Intro & 1st Reading: 10/21/05
Ref to: PS&RS
2nd Reading: 11/18/05

Amending Title 13, Chapter 299 of the Minneapolis Code of Ordinances relating to Licenses and Business Regulations: Ice Sale and Manufacture.

The City Council of The City of Minneapolis do ordain as follows:

Section 1. That Section 299.50 of the above-entitled ordinance be amended to read as follows:

299.50. Applications for licenses generally. Any person desiring any license granted under this chapter shall file an application with the department of licenses and consumer services ~~an application to the city council.~~ Said application shall contain an affidavit stating the name and address of the owner of the business for which such application is made and the name and location of the body or bodies of water from which the ice has been or is to be harvested or the water used for its manufacture. Said form shall contain the statement that the sources named therein are the only sources from which said ice or water used or to be used for its manufacture are or will be derived, subject to the provisions of this chapter, and shall be subscribed and sworn to by the applicant. It shall then be submitted by the applicant to the commissioner of health for approval and without such approval no application may be filed. If the commissioner of health approves the sources of the ice and water as therein stated, such approval shall be stamped thereon and said affidavit so stamped shall be filed with the application as herein provided. Any licensee thereafter desiring to make a change in the source of ice or water to be manufactured into ice, set forth in the application, shall notify the commissioner of health in writing and receive the

commissioner's written approval of the source from which such licensee proposes to procure the ice or water to be manufactured into ice, before such change is made. In the event that the commissioner of health so approves, the new source shall thereafter be the only source from which the licensee may derive ice or water to be manufactured into ice, subject to the provisions of this chapter, with like force and effect as though such source had been stated in the application for licensee's license.

Section 2. That Section 299.70 of the above-entitled ordinance be amended to read as follows:

299.70. Procedure for producer's or dealer's license. Upon the filing of an application for a producer's license or a dealer's license, the same shall be presented to ~~the city council, and if approved, license shall be granted subject to the approval of the commissioner of health, and the application shall then be delivered to said commissioner.~~ Upon the approval of the city council, ~~t~~The premises and places in such application described, the building or buildings in which said business is being conducted, or it is proposed to conduct said business, such body or bodies of water from which ice is harvested or is to be harvested, or water used in the manufacture of ice shall be inspected by the commissioner of health or authorized representative who shall keep a permanent record of said inspection and who shall, if said places and premises, body or bodies of water, or water to be taken for the manufacture, are approved, so certify in writing on the application and deliver the same to the director of licenses and consumer services. In the event the commissioner of health approves said application, the license ~~shall be issued~~ may be issued or denied pursuant to section 259.30. In case the commissioner of health does not approve the application, no license shall be granted.

Section 3. That Section 299.100 of the above-entitled ordinance be amended to read as follows:

299.100. Procedure for peddler's license. Upon the filing of an application for a peddler's license, it shall be presented to ~~the city council; if approved, license shall be granted subject to the approval of the commissioner of health, and the application shall then be delivered to said commissioner.~~ Upon the approval by the city council, ~~t~~The vehicle or vehicles in such application described shall be inspected by the commissioner of health or the commissioner's deputy who shall keep a permanent record of said inspection, and who shall, if said vehicles are approved, so certify, in writing, on the application and deliver the same to the director of licenses and consumer services. In the event the commissioner of health approves said application, the license may be issued or denied pursuant to section 259.30. Unless the commissioner of health shall approve the application for license, no license shall be granted.

Section 4. That Section 299.160 of the above-entitled ordinance be amended to read as follows:

299.160. Cash and carry station license plates. Upon the registration of the cash and carry ice station with the director of licenses and consumer services and the payment of the fee therefor, the director of licenses and consumer services shall issue a decal ~~to the applicant one metal plate~~ for each cash and carry ice station operated, ~~said license plates~~ to be numbered serially, and the director of licenses and consumer services shall keep a record of each ~~license plate~~ decal issued and the station to which it is assigned. ~~Said metal plates~~ decals shall at all times be posted in a conspicuous place on each of said ice stations.

Adopted 11/18/05.

Absent - Colvin Roy.

The following is the complete text of the unpublished summarized ordinance.

ORDINANCE 2005-Or-126

By Niziolek

Intro & 1st Reading: 10/21/05

Ref to: PS&RS

2nd Reading: 11/18/05

Amending Title 13, Chapter 301 of the Minneapolis Code of Ordinances relating to Licenses and Business Regulations: Laundries and Dry Cleaning Establishments.

The City Council of The City of Minneapolis do ordain as follows:

Section 1. That Section 301.40 of the above-entitled ordinance be amended to read as follows:

301.40. Approvals required. No license shall be granted under this article without the approval of the director of inspections, the chief of the fire department, and the commissioner of health. No dry cleaning establishment shall be licensed unless it complies with state law and this Code. Licenses shall be granted by the city council or denied pursuant to section 259.30.

Section 2. That Section 301.160 of the above-entitled ordinance be amended to read as follows:

301.160. License application. Any person desiring a license under the terms of this article shall make application in writing to the department of licenses and consumer services in the city on forms to be furnished by such department, and such application shall contain among other things, the name of the person conducting the business, the address of the applicant, the address at which such business shall be conducted, the number and type of machines to be installed and used, and such other information as the department of licenses and consumer services, the director of inspections, the fire department or health department shall require, and such application shall be accompanied by a drawing or plat of the premises to be licensed showing the proposed installation of any machine or machines to be used in said business. Such plat shall show all details of connections and operational facilities. The application, together with the plat or map, shall be submitted to the director of inspections, the fire department and the health department for inspection and report to the city council.

Adopted 11/18/05.

Absent - Colvin Roy.

The following is the complete text of the unpublished summarized ordinance.

ORDINANCE 2005-Or-127
By Niziolek
Intro & 1st Reading: 10/21/05
Ref to: PS&RS
2nd Reading: 11/18/05

Amending Title 13, Chapter 320 of the Minneapolis Code of Ordinances relating to Licenses and Business Regulations: Vehicle Immobilization Service.

The City Council of The City of Minneapolis do ordain as follows:

Section 1. That Section 320.45 (c) of the Minneapolis Code of Ordinances be amended to read as follows:

320.45. Requirements of licensee. In addition to any other applicable regulation contained in this chapter or code, all vehicle immobilization service licensees and their employees shall operate in strict accordance with the following:

(c) The licensee shall provide training in conflict management for its employees that install vehicle immobilization devices or have contact with those individuals who have been immobilized and shall provide documentation as to the content of the training and documentation as to the completion of that training to the Director of Licenses and Consumer Services. The Director of Licenses and Consumer Services, or its designee, shall review that documentation and may require additional training. For current and existing licensees and employees of licensees, this requirement shall be met within six (6) months of the date of passage of this ordinance. For new licensees, this requirement shall be met prior to the approval of the license by the City Council. For new employees, this requirement shall be met before the employee either installs a vehicle immobilization device or has contact with an individual who has been immobilized, without the supervision of an employee who has received this training, or within three (3) months of the date of their hire whichever comes first.

Adopted 11/18/05.

Absent - Colvin Roy.

The following is the complete text of the unpublished summarized ordinance.

ORDINANCE 2005-Or-128
By Niziolek
Intro & 1st Reading: 10/21/05
Ref to: PS&RS
2nd Reading: 11/18/05

Amending Title 13, Chapter 331 of the Minneapolis Code of Ordinances relating to Licenses and Business Regulations: Sidewalk Flower Cart Vendors.

The City Council of The City of Minneapolis do ordain as follows:

Section 1. That Section 331.10 of the above-entitled ordinance be amended to read as follows:

331.10. Sidewalk cart flower vendors. Notwithstanding the provisions of sections 427.110 and 427.130, ~~the city council may issue~~ licenses for sidewalk cart flower vendors may be issued in accordance with the terms and conditions of this chapter.

Section 2. That Section 331.90 (d) of the above-entitled ordinance be amended to read as follows:

331.90. License restrictions.

(d) A sidewalk flower cart license shall not be transferable from person to person nor from place to place without approval of the ~~city council~~ director of licenses and consumer services.

Section 3. That Section 331.100 of the above-entitled ordinance be amended to read as follows:

331.100. Design and size specifications. (a) Every sidewalk flower cart shall be neat and tasteful in appearance, constructed with finished materials, and shall be kept clean and well maintained at all times.

(b) No sidewalk flower cart shall have dimensions exceeding three (3) feet in width, six (6) feet in length and six (6) feet in height. However, a cart may be equipped with an awning which overhangs by not more than twelve (12) inches in any direction. Each sidewalk flower cart shall be capable of being moved and kept under control by one person traveling on foot. The ~~city council~~ director of licenses and consumer services may grant a special license to a handicapped person to operate a sidewalk flower cart propelled by electric motor, provided that the applicant shall meet all other conditions for a license.

Adopted 11/18/05.

Absent - Colvin Roy.

The following is the complete text of the unpublished summarized ordinance.

ORDINANCE 2005-Or-129
By Niziolek
Intro & 1st Reading: 10/21/05
Ref to: PS&RS
2nd Reading: 11/18/05

Amending Title 13, Chapter 341 of the Minneapolis Code of Ordinances relating to Licenses and Business Regulations: Taxicabs.

The City Council of The City of Minneapolis do ordain as follows:

Section 1. That Section 341.10 of the above-entitled ordinance be amended to read as follows:

341.10. Definitions. Whenever used in this chapter the following words shall mean:

Director: The director of the department of licenses and consumer services and his or her designee.

Section 2. That Section 341.310 of the above-entitled ordinance be amended to read as follows:

341.310. Limited license. Taxicab licensees operating under a common color scheme may apply for additional licenses, to be known as limited licenses, for the period October first of each year to April first of the next year, for which applications shall be made on or before October first preceding the license period. The license fee shall be as specified in Appendix J, License Fee Schedule.

Taxicab licensees in each company or association operating under a common color scheme may be granted limited licenses in an amount not exceeding one (1) for every five (5) regular taxicab licenses held by that company or association. Fractions of less than one-half (1/2) shall be rounded down.

Limited licenses shall be held in the names of individual taxicab owners within each color scheme. Applicants for limited licenses shall file their applications and provide evidence of insurance by October 1, and pass vehicle inspection by October 31. Failure to meet these deadlines shall result in denial of the license application without refund of fees paid. The service company shall then designate another applicant for the limited license. If that applicant does not meet all requirements by November 30, the license shall be awarded by lottery to a different service company.

Failure of a limited licensee to operate the vehicle on the street, or failure to maintain insurance, shall be grounds for cancellation of the limited license.

Limited licenses shall not be transferable from person to person without the approval of the ~~city council~~ director of licenses and consumer services.

Section 3. That Section 341.360 (g) of the above-entitled ordinance be amended to read as follows:

341.360. Prerequisites to license. Every taxicab driver shall meet and maintain the following requirements in order to hold a taxicab driver's license:

(g) Shall have no felony convictions in the last five (5) years; shall have no nontraffic gross misdemeanor or misdemeanor convictions in the last three (3) years involving the use or threat of use of force, possession or sale of a controlled substance, prostitution, or indecent conduct. The ~~city council~~ issuing authority for the license may grant an exception to the above provisions upon evidence that the offense is not related to the occupation of taxicab driver.

Section 4. That Section 341.380 (c) of the above-entitled ordinance be amended to read as follows:

341.380. Taxicab driver training course.

(c) Successful completion of the taxicab driver training course shall be a prerequisite for obtaining a license for all taxicab drivers not licensed on the effective date of this ordinance, all taxicab drivers whose licenses have lapsed for more than one year, and may ~~in the discretion of the city council~~ be imposed as a requirement in any disciplinary action against a licensed driver, as a condition for renewal of a taxicab driver's license in the event of customer complaints, violations of taxicab regulations, or moving violations, and as a condition for reinstatement of any revoked or suspended taxicab driver's license.

Section 5. That Section 341.510 (a) of the above-entitled ordinance be amended to read as follows:

341.510. Requirements for insurance. (a) Such insurance policy or policies shall be in an insurance company duly licensed to do business in the State of Minnesota, shall be approved by the ~~city council~~ director of licenses and consumer services, and shall insure such person, his or her lessees or licensees, against loss in the sum of at least one hundred thousand dollars (\$100,000.00) because of bodily injury to or death of one person in any one accident, and subject to said limit for one person, to a limit of not less than three hundred thousand dollars (\$300,000.00) because of bodily injury to or death of two (2) or more persons in any one accident resulting from the negligent operation, use or defective condition of a taxicab.

Section 6. That Section 341.530 of the above-entitled ordinance be amended to read as follows:

341.530. Replacement of insufficient insurance policy. If at any time in the judgment of the department, any such policy is not sufficient in form for any reason, the department shall require the owner, lessee, licensee or operator of such vehicle to replace such policy with another approved by the ~~city council~~ director of licenses and consumer services, and if for any reason any such policy shall become inoperative, no person shall operate any such taxicab until a policy approved by the ~~city council~~ director shall have been obtained and deposited with the department as herein provided.

Section 7. That Section 341.580 (e) and (i) of the above-entitled ordinance be amended to read as follows:

341.580. Requirements for license. Each applicant for a taxicab license must comply with the following to the satisfaction of the department:

(e) Said application shall also include an accurate and detailed description of the color scheme of the taxicabs, including inscriptions or monograms thereon, proposed to be operated by the applicant, which shall be distinctly different from that of the taxicabs of any other licensed taxicab owner or operator, and from that of the taxicabs of the same owner or operator licensed in another jurisdiction, so that the

ownership and identity may be readily ascertained by the police department and patrons of any taxicab, except that one or more of the applicants who are members of the same taxicab organization or who subscribe for services to the same service company and who are authorized to use the color scheme of taxicabs, including the inscription or monograms thereon, of such organization or service company, may be licensed to do so when proper evidence of their right from such organization or service company to use such color scheme and inscriptions or monograms shall be filed with their application. The owner of any color right shall appoint the service company to be responsible for compliance and administration of the chapter with respect to licensees using the color scheme and shall notify the department of that appointment. No owner of any taxicab or the operator or driver thereof, licensed under the terms of this article, shall make any change whatever in the color scheme of the taxicabs or the inscriptions or monograms thereon without first obtaining the approval of the ~~city council~~ director of licenses and consumer services.

(i) The applicant(s) shall have no felony convictions in the last five (5) years, nor any nontraffic gross misdemeanor or misdemeanor convictions in the last three (3) years involving the use of force, possession or sale of a controlled substance, prostitution, or indecent conduct. The ~~city council~~ director may grant an exception to this provision upon evidence that the offense is not related to the taxicab business.

Section 8. That Section 341.600 of the above-entitled ordinance be amended to read as follows:

341.600. Issuance and form of license. ~~Whenre the city council has approved~~ an application for a taxicab license ~~has been approved~~, the director of licenses and consumer services, upon satisfactory fulfillment of the foregoing requirements, shall issue a taxicab license which shall be in such form as to contain:

(a) Class and passenger-carrying capacity of the taxicab licensed.

(b) The make of the car and, if available, the engine number and/or serial number, and the state license number.

(c) Each successful applicant shall be issued a decal that shall be permanently attached to the rear of the taxicab vehicle. The placement of such decal shall be to the immediate right or left of the rear license number required by section 341.640 of this article. The cost for replacement of a lost, damaged or destroyed decal shall be thirty-five dollars (\$35.00).

Section 9. That Section 341.655 (a) of the above-entitled ordinance be amended to read as follows:

341.655. Transfer of license—Person to person. (a) Taxicab licenses issued prior to October 1, 1995, under the provisions of this article may be transferred from person to person upon payment of a fee as specified in Appendix J, License Fee Schedule, and completion of an application provided by the department, and approval by the ~~city council~~ director of licenses and consumer services. In addition to the information and requirements prescribed by sections 341.500 and 341.580, each application for a transfer shall contain a sworn statement from the present licensee by which he or she consents to the proposed transfer. If the licensee is a partnership, all partners shall complete such statement and if a corporation, the statement shall be completed by an elected officer of the corporation. Such application shall be accompanied by true copies of any proposed or actual purchase agreement, bill of sale, promissory note, mortgage or other evidence of indebtedness which such applicant may incur or may have incurred as a result of the transfer. Such application shall also include a fiscal breakdown as to the cost of the vehicle(s), equipment, corporate stock, goodwill, contract rights and other intangibles included within the transfer. Among other things, the committee in its deliberations in the granting of such application, shall consider the reasonableness of the price the applicant shall have agreed to pay for a specified article or intangible. No value shall be attributed to the taxicab license to be transferred that is in excess of the proportion of the annual license fee remaining for the license year.

Section 10. That Section 341.660 (c) of the above-entitled ordinance be amended to read as follows:

341.660. Unauthorized acts.

(c) No person shall change the color scheme, inscription or monogram of any licensed taxicab without approval of the ~~city council~~ director of licenses and consumer services.

Adopted 11/18/05.

Absent - Colvin Roy.

The following is the complete text of the unpublished summarized ordinance.

ORDINANCE 2005-Or-130
By Niziolek
Intro & 1st Reading: 10/21/05
Ref to: PS&RS
2nd Reading: 11/18/05

Amending Title 13, Chapter 339 of the Minneapolis Code of Ordinances relating to Licenses and Business Regulations: Body Art Code.

The City Council of The City of Minneapolis do ordain as follows:

Section 1. That Section 339.60 of the above-entitled ordinance be amended to read as follows:

339.60. Licensing procedure. (a) All applications, new and renewal, for licenses shall be made upon forms furnished by the director of licenses and consumer services, and upon payment of the license fee, ~~the application shall be submitted to the city council for disposition, and when granted shall be issued by the director~~ license may be granted or denied pursuant to section 259.30.

(b) Each new applicant shall:

- (1) Provide proof of an apprenticeship; or
- (2) Provide proof of being a credentialed (licensed or certified) medical professional including an MD, Physician Assistant, RN, LPN, Nurse Practitioner, Dentist, Dental Hygienist, Phlebotomist, Veterinarian, Veterinarian Technician, Ophthalmologist Technician, Dermatologist Assistant, Nurse Practitioner; or
- (3) Provide proof of completion of either the American Red Cross or US OSHA courses pertaining to blood borne pathogens and the prevention of disease transmission. Other courses provided by professional tattooing or piercing organizations/associations, certified educational programs, or by equipment manufacturers, may be submitted to the department for approval.

(c) Each new applicant for a tattoo or body piercing license shall successfully complete an examination administered by the department. Successful completion of the examination given by the department shall be a passing grade of seventy (70) percent or better. The fee for such examination shall be twenty-five dollars (\$25.00).

(d) ~~The city council~~ director of licenses and consumer services may grant a tattooist or piercer a license by reciprocity with a municipality, county, or state, which has equal or greater requirements. Each new applicant under this section shall:

- (1) Provide to the department a copy of their license from the municipality, county, or state where they are currently licensed.
- (2) Make license application upon forms furnished by the director, and upon payment of the license fee, the application shall be submitted to ~~the city council for disposition, and when granted shall be issued by the director~~ the director of licenses and consumer services who shall grant or deny the license pursuant to section 259.30.

Adopted 11/18/05.
Absent - Colvin Roy.

The following is the complete text of the unpublished summarized ordinance.

ORDINANCE 2005-Or-131
By Niziolek
Intro & 1st Reading: 10/21/05
Ref to: PS&RS
2nd Reading: 11/18/05

Amending Title 13, Chapter 349 of the Minneapolis Code of Ordinances relating to Licenses and Business Regulations: Wreckers and Tow Trucks.

The City Council of The City of Minneapolis do ordain as follows:

Section 1. That Section 349.60 of the above-entitled ordinance be amended to read as follows:

349.60. Application procedure, Class A. Application for a Class A service vehicle license shall be made upon forms provided by the department of licenses and consumer services which shall refer the application to the police license inspector. The police license inspector shall investigate the matters contained therein, and convey approval or disapproval of the application to the ~~city council~~ director of licenses and consumer services. The application shall contain among other things:

(a) A true and correct list of all contracted or otherwise used private property towing locations and persons with authority to sign tow order forms, and the department of licenses and consumer services shall be immediately notified in writing when changes occur therein.

(b) A record and establishment of reasonable fixed towing and fixed drop charges, which fixed charges shall be filed with the police license inspector's office, which office is to be notified immediately in writing as changes occur in such rate.

(c) A statement that there will be a storage lot or lots at which will be maintained continuous twenty-four-hour, on-duty service from an office on the premises for the release of motor vehicles; together with the exact location of such lot or lots with changes to be made known to the department of licenses and consumer services immediately in writing.

(d) A true and current list of the names and addresses of all drivers employed by licensee.

Section 2. That Section 349.65 of the above-entitled ordinance be amended to read as follows:

349.65. Application procedure, Class E. Application for Class E service vehicle license shall be made upon forms provided by the department of licenses and consumer services which department shall investigate the matters contained therein, and convey approval or disapproval of the application to the ~~city council~~ director of licenses and consumer services. The department of licenses and consumer services shall not accept an application from any person, firm, corporation or association which has not been approved by the city council to be awarded a contract for Class E motor vehicle servicing under section 478.1055 of this Code. The application and renewal for Class E service vehicle license shall coincide with the contract date.

Section 3. That Section 349.130 of the above-entitled ordinance be amended to read as follows:

349.130. Driver registration permit required, Classes A and E. No person shall drive or operate a Class A or Class E service vehicle unless he or she has received a registration permit to do so issued by the ~~city council~~ through the department director of licenses and consumer services. At all times when so engaged the driver shall carry this permit and exhibit it on demand to police officers, inspectors of the department of licenses and consumer services or concerned citizens. This permit shall be issued to the applicant therefor upon completion of an application form prepared when approved by the department of licenses and consumer services. The application form shall include the applicant's full and true name, date of birth, residence, and police record, if any. Upon completion of this application it shall be referred for investigation to the police license inspector, who will arrange for fingerprinting, photographing, and the issuance of a permit if deemed appropriate, unless such inspector shall report to the ~~city council~~ director of licenses and consumer services recommending a recommendation that the permit not be issued. A permit, when issued, shall include a permit number recorded by the department of licenses and consumer services and shall be presented to the applicant upon payment of a fee as established in Appendix J, License Fee Schedule. Such permit shall remain effective for one

year provided the permit holder possesses a valid driver's license and is employed by a person licensed under this chapter. The annual renewal fee and fee for a duplicate license shall be as established in Appendix J, License Fee Schedule.

Adopted 11/18/05.

Absent - Colvin Roy.

PS&RS - Your Committee, having under consideration the application of View Restaurant & Lounge LLC, dba Dixies Calhoun, 2730 W Lake St (street level), for an On-Sale Liquor Class A with Sunday Sales License (change in ownership from Dixies Smokehouse Foods Inc), to expire April 1, 2006, now recommends that said license be granted, subject to the following conditions:

a. the licensee will not allow any activities to occur on its premises which include or involve nude or semi-nude dancing, revealing or inappropriate employee attire, mud wrestling, wet T-shirt contests, employee wrestling with customers or sexually suggestive touching and other similar types of activities. Violation of these terms shall provide a basis for revocation of the City's consent for the licensee to operate the Class A On-Sale Liquor License.

b. final inspection and compliance with all provisions of applicable codes and ordinances.

Niziolek moved that the report be referred back to the Public Safety & Regulatory Services Committee. Seconded.

Adopted upon a voice vote 11/18/05.

Absent - Colvin Roy.

PS&RS - Your Committee, having under consideration the application of Maximo Pizza Corporation, dba Tommy's Tea Bar, 213 Oak St SE, for an On-Sale Liquor Class E with Sunday Sales License (new business) to expire October 1, 2006, now recommends that said license be denied.

Niziolek moved that the report be deleted. Seconded.

Adopted upon a voice vote 11/18/05.

Absent - Colvin Roy.

PS&RS - Your Committee recommends passage of the accompanying resolution granting applications for Liquor, Wine and Beer Licenses.

Adopted 11/18/05.

Absent - Colvin Roy.

Resolution 2005R-619, granting applications for Liquor, Wine and Beer Licenses, was adopted 11/18/05 by the City Council. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized resolution.

RESOLUTION 2005R-619

By Niziolek

Granting Liquor, Wine and Beer Licenses.

Resolved by The City Council of The City of Minneapolis:

That the following applications for liquor, wine and beer licenses be granted, subject to final inspection and compliance with all provisions of applicable codes and ordinances:

On-Sale Liquor Class B with Sunday Sales, to expire July 1, 2006

Tanner Madison Entities LLC, dba Legends Café, 825 E Hennepin Av (change in ownership from Legends 825 LLC)

On-Sale Liquor Class E with Sunday Sales, to expire January 1, 2006

Azia Inc, dba Azia, 2550 Nicollet Av (regular expansion of premises; new shareholder, corporate officer)

On-Sale Wine Class D with Strong Beer, to expire April 1, 2006

Dos Laredos Inc, dba Dos Laredos, 805 E 38th St (change in owner from Ecu-Mex Inc, dba Angel's Pizza).

Adopted 11/18/05.

Absent - Colvin Roy.

PS&RS - Your Committee recommends passage of the accompanying resolution granting applications for Business Licenses.

Adopted 11/18/05.

Absent - Colvin Roy.

Resolution 2005R-620, granting applications for Business Licenses, was adopted 11/18/05 by the City Council. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized resolution.

RESOLUTION 2005R-620

By Niziolek

Granting applications for Business Licenses.

Resolved by The City Council of The City of Minneapolis:

That the following applications for business licenses (including provisional licenses) as per list on file and of record in the Office of the City Clerk under date of November 18, 2005 be granted, subject to final inspection and compliance with all provisions of the applicable codes and ordinances (Petn No 270788):

Amusement Devices; Bed & Breakfast Facility; Check Cashing; Place of Entertainment; Caterers; Confectionery; Farm - Produce Permits; Food Manufacturer; Meat Market; Restaurant; Sidewalk Cafe; Fuel Dealer; Hospital; Hotel/Motel; Juke Box - Musical; Motor Vehicle Dealer - Used Only; Motor Vehicle Repair Garage; Motor Vehicle Repair Garage with Accessory Use; Towing Class B; Commercial Parking Lot Class A; Plumber; Exhibition Operator Class A; Residential Specialty Contractor; Antique Dealer Class B; Suntanning Facility; Tattooist/Body Piercer; Tattooist/Body Piercer Establishment; Taxicab Limited; Taxicab Vehicle; Theater Zone III; Tobacco Dealer; Wrecker of Buildings Class A; and Wrecker of Buildings Class B.

Adopted 11/18/05.

Absent - Colvin Roy.

PS&RS - Your Committee recommends passage of the accompanying resolution granting applications for Gambling Licenses.

Adopted 11/18/05.

Absent - Colvin Roy.

Resolution 2005R-621, granting applications for Gambling Licenses, was adopted 11/18/05 by the City Council. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized resolution.

RESOLUTION 2005R-621

By Niziolek

Granting applications for Gambling Licenses.

Resolved by The City Council of The City of Minneapolis:

That the following applications for gambling licenses be granted, subject to final inspection and compliance with all provisions of applicable codes and ordinances:

Gambling Class B

Bolder Options, dba Bolder Options, 2100 Stevens Av S (Site: Popeye's Saloon, 3601 E Lake St)

Bolder Options, dba Bolder Options, 2100 Stevens Av S (Site: Arone's Bar, 500 Central Av SE)

Gambling Lawful Exempt

National Society of Hispanic MBA's, dba National Society of Hispanic MBA's, 19338 Ireland Ct, Lakeville (Raffle October 29, 2005 at Carlson School of Management, 321 19th Av S)

All Saints Church, dba All Saints Church, 435 5th St NE (Bingo November 20, 2005)

Macphail Suzuki Association, dba Macphail Suzuki Association, 1128 LaSalle Av (Raffle December 10, 2005 at Church of the Holy Name, 3637 11th Av S)

Wishes & More, dba Wishes & More, 961 Hillwind Rd, Fridley (Raffle December 11, 2005 at Beezwax, 3001 Hennepin Av).

Adopted 11/18/05.

Absent - Colvin Roy.

PS&RS - Your Committee recommends passage of the accompanying resolution approving Technical Advisory Committee recommendations relating to the On-Sale Wine Class E with Strong Beer License held by Yummy's, 10 W 25th St.

Adopted 11/18/05.

Absent - Colvin Roy.

Resolution 2005R-622, approving Technical Advisory Committee recommendations relating to the On-Sale Wine Class E with Strong Beer License held by Yummy's, 10 W 25th St, was adopted 11/18/05 by the City Council. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized resolution.

RESOLUTION 2005R-622

By Niziolek

Approving Technical Advisory Committee recommendations relating to the On-Sale Wine Class E with Strong Beer License held by Yummy's, 10 W 25th St.

Whereas, the Licenses & Consumer Services Division held a Technical Advisory Committee hearing on October 20, 2005 with the licensee to discuss violations of law relating to the operation of a licensed beverage establishment; and

Whereas, the Public Safety & Regulatory Services Committee received Findings of Fact, Conclusions and Recommendations as a result of the licensee violating the Minneapolis Code of Ordinances by failing to complete requirements of the approved zoning site plan and failing to provide correct proof of liquor liability insurance; and for failing to meet all the conditions of the first TAC Agreement executed August 25, 2005;

Now, Therefore, Be It Resolved by The City Council of The City of Minneapolis:

That the following TAC recommendations be adopted, as more fully set forth in said Findings on file in the Office of the City Clerk and made a part of this report by reference:

a. the licensee shall reimburse the City of Minneapolis a total of \$418, reflective of actual staff costs expended since the first TAC Agreement.

b. the deadline for fully completing all requirements of the approved site plan is extended until December 1, 2005. The following list of site plan deficiencies shall be completed or remedied on or before December 1, 2005:

- trees and shrubs shall be installed within the existing landscape strip for the front parking lot that faces Nicollet Avenue.

- one tree, five shrubs and concrete curbing shall be incorporated into the existing landscape area for the front parking lot facing West 25th Street.

- landscape area shall be established (excavated, landscaped, curbed) near the southeast corner on 25th Street.

- concrete curbing shall be added to the landscape strip for the rear parking lot facing West 25th Street.

- two foot fence shall be installed on the north side of the rear of the site.

- the stalls in the parking lot shall have their stripes painted.

c. if all required items of the approved site plan are not completed by December 1, 2005, the licensee agrees to serve a five-day license suspension (including the ceasing of all business activity) for the purpose of completing any outstanding site plan requirements and for a penalty for failure to comply with the TAC Agreement. The licensee waives any right to appeal or challenge the imposition of such a penalty. If all of the site plan requirements are completed by December 1, 2005, the five-day suspension will be waived. Any license suspension period shall be determined by Licenses Department staff.

d. the licensee shall provide proof of required liquor liability insurance with the correct dates of coverage listed as April 1, 2005 to April 1, 2006 and shall be provided to the Licensing Office on or before October 27, 2005 or the business will close and remain closed until correct proof is provided.

Adopted 11/18/05.

Absent - Colvin Roy.

PS&RS - Your Committee recommends that the following levies be approved and that the Director of the Hennepin County Property Taxation Department be directed to place assessments against the specified properties to defray costs of work performed under authorization of the Inspections Division to correct nuisance or hazardous conditions on these properties (Petn No 270790):

Levy 1080 - Removal of Offensive Matter (rubbish), payable in one year - \$242,161.66

Levy 1081 - Removal of Offensive Matter (weeds), payable in one year - \$73,183.50

Levy 1084 - Removal of Offensive Matter (hazardous trees), payable in five years - \$55,286

Levy 1085 - Removal of Offensive Matter (brush and plant growth), payable in one year - \$36,399

Levy 1086 - Inoperable Vehicle Tow Administrative Fees, payable in one year - \$20,250

Levy 1089 - Unpaid Administrative Citations, payable in one year - \$219,000

Levy 1096 - Vacant/Boarded Housing Registrations, payable in one year - \$30,000

Levy 1097 - Reinspection Fees, payable in one year - \$44,700

Levy 1098 - Securing of Buildings (Police Board Up), payable in one year - \$113,988

Levy 1099 - Securing Abandoned Buildings, payable in one year - \$115,705.

Your Committee further recommends passage of the accompanying Resolutions, all in accordance with Chapter 227 of the Minneapolis Code of Ordinances, directing the Director of the Hennepin County Taxation Department to:

a. place assessments against certain properties to defray the cost of abating nuisance conditions (Levies 1080, 1081, 1084, 1085 and 1086).

b. place assessments against certain properties to defray the cost of unpaid penalties associated with administrative citations as defined in Chapter 2 of the Minneapolis Code of Ordinances (Levy 1089).

c. place assessments against certain properties to defray the administrative costs for registering and processing the vacant building registration form and for the costs of the City in monitoring the vacant building site (Levy 1096).

d. place assessments against certain properties to defray the administrative cost of reinspection as defined in Chapter 244 of the Minneapolis Code of Ordinances and Minnesota Statute, Section 429.101, Subdivision 9 (Levy 1097).

e. place assessments against certain properties to defray the cost of securing the building and also levy and collect associated administrative costs not to exceed seventy-five dollars (\$75) for each building that is secured in the manner provided by Minnesota Statutes, Sections 429.061, 429.071 and 429.081 and amendments thereto (Levy 1098).

f. place assessments against certain properties to defray the cost of securing abandoned buildings as authorized in Minnesota Statutes, Chapter 463 (Levy 1099).

Adopted 11/18/05.
Absent - Colvin Roy.

Resolutions 2005R-623 through 2005R-628 were passed 11/18/05 by the City Council. A complete copy of these resolutions are available for public inspection in the office of the City Clerk, and are summarized as follows:

a. directing the Director of the Hennepin County Taxation Department to place assessments against certain properties to defray the cost of abating nuisance conditions in accordance with Chapter 227 of the Minneapolis Code of Ordinances.

b. directing the Director of the Hennepin County Taxation Department to place assessments against certain properties to defray the cost for unpaid administrative citations and civil fines issues in accordance with Chapter 2 of the Minneapolis Code of Ordinances.

c. directing the Director of the Hennepin County Taxation Department to place assessments against certain properties to defray the cost for registering vacant properties in accordance with Chapter 249 of the Minneapolis Code of Ordinances.

d. directing the Director of the Hennepin County Taxation Department to place assessments against certain properties to defray the cost relating to Reinspection Fees in accordance with Chapter 244, Section 190 of the Minneapolis Code of Ordinances.

e. directing the Director of the Hennepin County Taxation Department to place assessments against certain properties to defray the cost of securing any building or structure rendered uninhabitable or unoccupied and open to trespass as a result of lawful police action in accordance with Chapter 171 of the Minneapolis Code of Ordinances.

f. directing the Director of the Hennepin County Taxation Department to place assessments against certain properties to defray the cost of securing abandoned buildings in accordance with Chapter 227 of the Minneapolis Code of Ordinances.

The following is the complete text of the unpublished summarized resolution.

RESOLUTION 2005R-623
By Niziolek

Directing the Director of the Hennepin County Property Taxation Department to place assessments against certain properties to defray the cost of abating nuisance conditions in accordance with Chapter 227 of the Minneapolis Code of Ordinances.

Whereas, the Director of Inspections is authorized under Chapter 227 of the Minneapolis Code of Ordinances to abate nuisances relating to offensive matter on private premises including rubbish, long grass and weeds, brush and plant growth and dead trees; and

Whereas, the City Charter of the City of Minneapolis provides that costs incurred in the removal of nuisance conditions shall be levied and collected as a special assessment against the properties;

Now, Therefore, Be It Resolved by The City Council of The City of Minneapolis:

That the costs incurred in the removal of offensive matter are hereby approved and that such costs be assessed against the properties.

Be It Further Resolved that Levy Numbers 1080 (Rubbish Removal), 1081 (Weed Removal), 1084 (Offensive Tree Removal), 1085 (Shrub, Brush Removal), and 1086 (Inoperable Vehicle Tow Administrative Fees) be approved and transmitted to the Hennepin County Taxation Department and that the Director of Hennepin County Property Taxation Department be directed to place assessments against the specified properties to defray the costs of work performed under authorization of the Inspections Division to abate nuisances on private properties.

Be It Further Resolved that Levy Numbers 1080, 1081, 1085, and 1086 be payable in a single installment with interest thereon at eight percent (8%) and that Levy Number 1084 be paid in five (5) equal annual installments with interest thereon at eight percent (8%) per annum, as set forth in Petn No 270790 on file at the office of the City Clerk.

Adopted 11/18/05.

Absent - Colvin Roy.

The following is the complete text of the unpublished summarized resolution.

RESOLUTION 2005R-624

By Niziolek

Directing the Director of the Hennepin County Property Taxation Department to place assessments against certain properties to defray the cost for unpaid administrative citations and civil fines issued in accordance with Chapter 2 of the Minneapolis Code of Ordinances.

Whereas, the City Council of the City of Minneapolis did determine that certain properties were in violation of the Minneapolis Code of Ordinances and met the criteria stated in Chapter 2 to issue administrative citations and were authorized by the Director of Inspections to have the penalties levied against the property in cases where property owners failed to pay the required administrative citation penalty; and

Whereas, Chapter 2 provides that the unpaid penalties associated with an administrative citation as defined by Chapter 2 shall be levied and collected as a special assessment against the property as provided for in Chapter 10 of the Minneapolis Charter;

Now, Therefore, Be It Resolved by The City Council of The City of Minneapolis:

That the costs incurred for unpaid administrative citations are hereby approved and that such costs be assessed against the properties.

Be It Further Resolved that Levy Number 1089 be approved and transmitted to the Hennepin County Taxation Department and that the Director of Hennepin County Property Taxation Department be directed to place assessments against the specified properties to be paid in a single installment with interest thereon at eight percent (8%), as set forth in Petn No 270790 on file at the Office of the City Clerk.

Adopted 11/18/05.

Absent - Colvin Roy.

The following is the complete text of the unpublished summarized resolution.

RESOLUTION 2005R-625

By Niziolek

Directing the Director of the Hennepin County Property Taxation Department to place assessments against certain properties to defray the cost for registering vacant properties in accordance with Chapter 249 of the Minneapolis Code of Ordinances.

Whereas, the City Council of the City of Minneapolis did determine that certain buildings met the criteria stated in Chapter 249.80 that defines a vacant property and were authorized by the Director of Inspections to have the fee levied against the property in cases where property owners failed to pay the required yearly fee; and

Whereas, Chapter 249 provides that the cost of registering a vacant property as defined by Chapter 249.80 shall be levied and collected as a special assessment against the property as provided for in Chapter 227 of the Minneapolis Code of Ordinances when the property owner fails to meet the requirement for fee payment;

Now, Therefore, Be It Resolved by The City Council of The City of Minneapolis:

That the costs incurred for registering vacant properties are hereby approved and that such costs be assessed against the properties.

Be It Further Resolved that Levy Number 1096 be approved and transmitted to the Hennepin County Taxation Department and that the Director of Hennepin County Property Taxation Department be directed to place assessments against the specified properties to be paid in a single installment with interest thereon at eight percent (8%), as set forth in Petn No 270790 on file at the Office of the City Clerk.

Adopted 11/18/05.

Absent - Colvin Roy.

The following is the complete text of the unpublished summarized resolution.

RESOLUTION 2005R-626

By Niziolek

Directing the Director of the Hennepin County Property Taxation Department to place assessments against certain properties to defray the cost relating to Reinspection Fees in accordance with Chapter 244, Section 190 of the Minneapolis Code of Ordinances.

Whereas, the City Council of the City of Minneapolis did determine that certain buildings met the criteria stated in Chapter 244.190 that determine Re-inspection Fees and were authorized by the Director of Inspections to have the fees levied against the property in cases where property owners failed to pay the required fee; and

Whereas, Chapter 244.190 provides that the cost of Re-inspections to gain compliance with housing maintenance orders as defined by Chapter 244.190 shall be levied and collected as a special assessment against the property as provided for in Chapter 227 of the Minneapolis Code of Ordinances and Chapter 429.101 sub. Sec.(9) of Minn. State Statutes when the property owner fails to meet the requirement for fee payment;

Now, Therefore, Be It Resolved by The City Council of The City of Minneapolis:

That the costs incurred for Re-inspection Fees are hereby approved and that such costs be assessed against the properties.

Be It Further Resolved that Levy Number 1097 be approved and transmitted to the Hennepin County Taxation Department and that the Director of Hennepin County Property Taxation Department be directed to place assessments against the specified properties to be paid in a single installment with interest thereon at eight percent (8%), as set forth in Petn No 270790 on file at the Office of the City Clerk.

Adopted 11/18/05.

Absent - Colvin Roy.

The following is the complete text of the unpublished summarized resolution.

RESOLUTION 2005R-627

By Niziolek

Directing the Director of the Hennepin County Property Taxation Department to place assessments against certain properties to defray the cost of securing any building or structure rendered uninhabitable or unoccupied and open to trespass as a result of lawful police action in accordance with Chapter 171 of the Minneapolis Code of Ordinances.

Whereas, the City Council of the City of Minneapolis is empowered to secure uninhabitable or unoccupied buildings in accordance with Minnesota Statutes Section 463.251; and

Whereas, the Chief of Police did secure such buildings under the authority of the City Council of the City of Minneapolis; and

Whereas, this law provides that the cost of securing such buildings shall be charged against the real estate as provided in Minnesota Statutes, Section 463.21;

Now, Therefore, Be It Resolved by The City Council of The City of Minneapolis:

That the costs of securing unoccupied or uninhabitable buildings open to trespass under the authority of the Chief of Police are hereby approved and that such costs be assessed against the properties.

Be It Further Resolved that Levy Number 1098 be approved and transmitted to the Hennepin County Taxation Department and that the Director of Hennepin County Property Taxation Department be directed to place assessments against the specified properties to be paid in a single installment with interest thereon at eight percent (8%), as set forth in Petn No 270790 on file at the Office of the City Clerk.

Adopted 11/18/05.

Absent - Colvin Roy.

The following is the complete text of the unpublished summarized resolution.

RESOLUTION 2005R-628

By Niziolek

Directing the Director of the Hennepin County Property Taxation Department to place assessments against certain properties to defray the cost of securing abandoned buildings in accordance with Chapter 227 of the Minneapolis Code of Ordinances.

Whereas, the City Council of the City of Minneapolis is empowered to secure vacant buildings in accordance with Minnesota Statutes Section 463.251; and

Whereas, the Director of Inspections did secure such buildings under the authority of the City Council of the City of Minneapolis; and

Whereas, this law provides that the cost of securing such buildings shall be charged against the real estate as provided in Minnesota Statutes, Section 463.21;

Now, Therefore, Be It Resolved by The City Council of The City of Minneapolis:

That the costs of securing abandoned buildings under the authority of the Director of Inspections are hereby approved and that such costs be assessed against the properties.

Be It Further Resolved that Levy Number 1099 be approved and transmitted to the Hennepin County Taxation Department and that the Director of Hennepin County Property Taxation Department be directed to place assessments against the specified properties to be paid in a single installment with interest thereon at eight percent (8%), as set forth in Petn No 270790 on file at the Office of the City Clerk.

Adopted 11/18/05.

Absent - Colvin Roy.

PS&RS - Your Committee, having under consideration the property located at 3301 Colfax Avenue North which has been deemed by the Director of Inspections to constitute a nuisance condition within the meaning of Chapter 249 of the Minneapolis Code of Ordinances, now recommends that the proper City Officers be authorized to demolish said property legally described as Lot 6, Block 13, Bakers 4th Addition to Minneapolis (PID #09-029-24-14-0064), in accordance with the Findings of Fact, Conclusions and Recommendations which are on file in the Office of the City Clerk and made a part of this report by reference.

Adopted 11/18/05.

Absent - Colvin Roy.

PS&RS - Your Committee recommends approval of the Regulatory Services Five-Year Business Plan, as set forth in Petn No 270792 on file in the Office of the City Clerk. Further, that staff be directed to report back during the first quarter of calendar year 2006 with performance measures for the Air and Water Quality and Liquor Licensing Divisions, and additional performance measures for the Housing Inspections Division.

Adopted 11/18/05.

Absent - Colvin Roy.

The **PUBLIC SAFETY & REGULATORY SERVICES** and **WAYS & MEANS/BUDGET** Committees submitted the following reports:

PS&RS & W&M/Budget - Your Committee recommends that the proper City Officers be authorized to execute a contract with the Minnesota Department of Public Safety to receive \$164,500 for the Minneapolis Police Department to participate in the Minnesota Financial Crimes Task Force by allocating one investigator to serve on a full-time basis for a two-year period. Further, passage of the accompanying resolution appropriating \$164,500 to the Police Department.

Adopted 11/18/05.

Absent - Colvin Roy.

RESOLUTION 2005R-629
By Niziolek and Johnson

Amending The 2005 General Appropriation Resolution.

Resolved by The City Council of The City of Minneapolis:

That the above-entitled Resolution, as amended, be further amended by increasing the appropriation for the Police Department Agency in the Grants - Other Fund (060-400-C117) by \$164,500 and increasing the Revenue Source (060-400-C117 - Source 3215) by \$164,500.

Adopted 11/18/05.

Absent - Colvin Roy.

PS&RS & W&M/Budget - Your Committee recommends that the proper City Officers be authorized to execute a lease agreement with the National Insurance Crime Bureau to lease a 1997 Toyota RAV vehicle for \$1 for an undetermined time period, as needed by the Police Auto Theft Bait Vehicle Program.

Adopted 11/18/05.

Absent - Colvin Roy.

PS&RS & W&M/Budget - Your Committee recommends that the proper City Officers be authorized to accept surveillance equipment for the Police Department, valued at \$16,000, from the Folwell Center for Urban Initiatives to assist the 4th Precinct in curbing gang activity and violence.

Adopted 11/18/05.

Absent - Colvin Roy.

PS&RS & W&M/Budget - Your Committee recommends acceptance of low bid received on OP #6517 (Petn No 270794) submitted by Streicher's Inc, for an estimated expenditure of \$163,000, for furnishing and delivering ammunition for the Police Range, all in accordance with City specifications. Vendor offers to extend terms and conditions for an additional 12 and 24 months at the sole option of the City of Minneapolis.

Adopted 11/18/05.

Absent - Colvin Roy.

PS&RS & W&M/Budget - Your Committee, having under consideration the fee charged by the Police Department to retired law enforcement officers who apply for a certificate to carry a concealed firearm pursuant to the Federal Law Enforcement Officers Safety Act of 2004, now recommends that report passed October 8, 2004 be amended to decrease the fee from \$100 to \$50.

Adopted 11/18/05.

Absent - Colvin Roy.

The **TRANSPORTATION & PUBLICS WORKS** Committee submitted the following reports:

T&PW - Your Committee, having under consideration the Uptown, Dinkytown, Central Av, Stadium Village, S Hennepin Av, 48th St E and Chicago Av S, 43rd St W and Upton Av S (Linden Hills), and the Hennepin Theatre District Special Service Districts, and having held a public hearing thereon, now recommends passage of the accompanying Resolution:

- a) Approving the special services and the cost estimates;
- b) Approving the service charges and the lists of service charges for 2006;
- c) Directing the City Clerk to transmit certified copies of the lists of service charges to the Hennepin County Auditor; and
- d) Directing the City Engineer to proceed with the work.

Adopted 11/18/05.

Absent - Colvin Roy.

Resolution 2005R-630, approving special services, the cost estimates, service charges and the lists of service charges for 2006 in the Uptown, Dinkytown, Central Av, Stadium Village, S Hennepin Av, 48th St E and Chicago Av S, 43rd St W and Upton Av S and the Hennepin Theatre District Special Service Districts and directing the City Engineer to proceed with the work, was adopted 11/18/05 by the City Council. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized resolution.

RESOLUTION 2005R-630

By Colvin Roy

Approving special services, the cost estimates, service charges and the lists of service charges for 2006 in the Uptown, Dinkytown, Central Av, Stadium Village, S Hennepin Av, 48th St E and Chicago Av S, 43rd St W and Upton Av S and the Hennepin Theatre District Special Service Districts and directing the City Engineer to proceed with the work.

Whereas, public hearings were held on November 17, 2005 in accordance with Laws of Minnesota, 1985, Chapter 302, Laws of Minnesota, 1993, Chapter 375, Article 5, Sections 35 through 38, Laws of Minnesota, 1995, Chapter 264, Article 3, Section 28, Laws of Minnesota, 1996, Chapter 471, Article 8, Section 44 and Chapters 438, 444, 446, 450, 452, 454, 457 and 458 of the Minneapolis Code of Ordinances to consider the proposed special services, the proposed service charges and the proposed lists of service charges as more particularly described in Petn No 270796 on file in the office of the City Clerk and to consider all written and oral objections and statements regarding this matter;

Now, Therefore, Be It Resolved by The City Council of The City of Minneapolis:

That the proposed special services, the proposed cost estimate in the total amount of \$111,500 for 2006 and the proposed service charges and the proposed list of service charges for 2006 in the total amount of \$170,985 (amount remaining after adjusting the cost estimate of \$111,500 for previous years' unexpended balances and additional costs as provided for in Section 438.70 of the Minneapolis Code of Ordinances) as prepared by the City Engineer and on file in the office of the City Clerk be and hereby are approved for the Uptown Special Service District.

Be It Further Resolved that the proposed special services, the proposed cost estimate in the total amount of \$78,000 for 2006 and the proposed service charges and the proposed list of service charges for 2006 in the total amount of \$77,957 (amount remaining after adjusting the cost estimate of \$78,000

for previous years' unexpended balances and additional costs as provided for in Section 444.70 of the Minneapolis Code of Ordinances) as prepared by the City Engineer and on file in the office of the City Clerk be and hereby are approved for the Dinkytown Special Service District.

Be It Further Resolved that the proposed special services, the proposed cost estimate in the total amount of \$70,000 for 2006 and the proposed service charges and the proposed list of service charges for 2006 in the total amount of \$65,822 (amount remaining after adjusting the cost estimate of \$70,000 for previous years' unexpended balances and additional costs as provided for in Section 446.70 of the Minneapolis Code of Ordinances) as prepared by the City Engineer and on file in the office of the City Clerk be and hereby are approved for the Central Av Special Service District.

Be It Further Resolved that the proposed special services, the proposed cost estimate in the total amount of \$70,000 for 2006 and the proposed service charges and the proposed list of service charges for 2006 in the total amount of \$61,332 (amount remaining after adjusting the cost estimate of \$70,000 for previous years' unexpended balances and additional costs as provided for in Section 450.70 of the Minneapolis Code of Ordinances) as prepared by the City Engineer and on file in the office of the City Clerk be and hereby are approved for the Stadium Village Special Service District.

Be It Further Resolved that the proposed special services, the proposed cost estimate in the total amount of \$55,868 for 2006 and that the proposed service charges and the proposed list of service charges for 2006 in the total amount of \$88,934 (amount remaining after adjusting the cost estimate of \$55,868 for previous years' unexpended balances and additional costs as provided for in Section 454.70 of the Minneapolis Code of Ordinances) as prepared by the City Engineer and on file in the office of the City Clerk be and hereby are approved for the S Hennepin Av Special Service District.

Be It Further Resolved that the proposed special services, the proposed cost estimate in the total amount of \$12,400 for 2006 and that the proposed service charges and the proposed list of service charges for 2006 in the total amount of \$1,656 (amount remaining after adjusting the cost estimate of \$12,400 for previous years' unexpended balances and additional costs as provided for in Section 457.70 of the Minneapolis Code of Ordinances) as prepared by the City Engineer and on file in the office of the City Clerk be and hereby are approved for the 48th St E and Chicago Av S Special Service District.

Be It Further Resolved that the proposed special services, the proposed cost estimate in the total amount of \$14,000 for 2006 and that the proposed service charges and the proposed list of service charges for 2006 in the total amount of \$14,000 (being a newly implemented special service district with services revenues beginning in 2006 as provided for in Section 452.70 of the Minneapolis Code of Ordinances) as prepared by the City Engineer and on file in the office of the City Clerk be and hereby are approved for the 43rd St W and Upton Av S Special Service District.

Be It Further Resolved that the proposed special services, the proposed cost estimate in the total amount of \$15,000 for 2006 and that the proposed service charges and the proposed list of service charges for 2006 in the total amount of \$15,000 (being a newly implemented special service district with services revenues beginning in 2006 as provided for in Section 458.70 of the Minneapolis Code of Ordinances) as prepared by the City Engineer and on file in the office of the City Clerk be and hereby are approved for the Hennepin Theatre District Special Service District.

Be It Further Resolved that the service charges be collected in one (1) installment on the 2006 real estate tax statements in the same manner as special assessments without interest charges and that the City Clerk is hereby directed to transmit certified copies of said lists of service charges to the Hennepin County Auditor.

Be It Further Resolved that the City Engineer is hereby directed to proceed with the work.

Adopted 11/18/05.

Absent - Colvin Roy.

T&PW - Your Committee recommends that the proper City officers be authorized to accept a street easement, at no cost to the City, from Greenway Terrace LLC, 2850 Cedar Av, to wit:

all that part of vacated 29th St E, as dedicated in the plat of Layman's Fourth Addition, which lies two (2) feet north of and parallel with the north line of Lots 1 and 12, Block 1, Layman's Fourth Addition, County of Hennepin, State of Minnesota,

to accommodate a new parking bay, boulevard, and sidewalk on 29th St E necessitated by the development of a housing project.

Adopted 11/18/05.

Absent - Colvin Roy.

T&PW - Your Committee, having under consideration special assessments for various 2005 Public Works Department projects, now recommends passage of the accompanying Resolution:

- a) Levying the special assessments upon the benefited properties;
- b) Adopting the assessment rolls; and
- c) Directing the City Clerk to transmit certified copies of the assessment rolls to the Hennepin County Auditor.

Adopted 11/18/05.

Absent - Colvin Roy.

Resolution 2005R-631, adopting the 2005 levy of various Public Works Department Special Assessments and adopting the assessment rolls, was adopted 11/18/05 by the City Council. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized resolution.

RESOLUTION 2005R-631

By Colvin Roy

2005 Levy of Various Public Works Department Special Assessments and Adoption of Assessment Rolls.

Resolved by The City Council of The City of Minneapolis:

That the special assessments for the projects and charges listed below be levied upon the benefited properties for the listed number of successive equal annual installments and interest rates (except as otherwise noted hereinafter), that the assessment rolls as prepared by the City Engineer be adopted and that the City Clerk be directed to transmit certified copies of the assessment rolls to the Hennepin County Auditor.

1. Uptown (Hennepin-Lake Area) Streetscape Revitalization Project (including Supplemental), Special Improvement of Existing Street No 2897; 15% of cost category adjusted annually for land and building valuation and certified annually for 20 years; 5.3% interest; \$17,052.73 principal and interest for payable 2006 - Levy 01026 - Project 2897K.
2. Como Avenue S Reconstruction Project, Special Improvement of Existing Street No 6695; \$431,505.07 principal; 20 installments for assessments of more than \$150 - 4.3% interest - Levy 01026 - Project 6695C; 1 installment for assessments of \$150 or less - 4.0% interest - Levy 01026 - Project C6695.
3. Ewing Avenue Reconstruction Project, Special Improvement of Existing Street No 2909; \$105,571.40 principal; 20 installments for assessments of more than \$150 - 4.30% interest - Levy 01026 - Project 2909C.
4. Lake Street (5th Av S to Hiawatha) Reconstruction Project, Special Improvement of Existing Street No 6707; \$775,939.73 principal; 20 installments for assessments of more than \$150 - 4.30% interest - Levy 01026 - Project 6707C; 1 installment for assessments of \$150 or less - 4.0% - Levy 01026 - Project C6707.
5. Bryn Mawr Street Renovation Project, Special Improvement of Existing Street No 2989; \$658,436.33 (reduced from \$658,461.83 due to error in calculation); 10 installments for assessments of more than \$150 - 4.0% interest - Levy 01026 - Project 2989R; 1 installment for assessments of \$150 or less - 4.0% interest - Levy 01026 - Project R2989.
6. Fremont Avenue North (Plymouth Av to Broadway) Street Renovation Project, Special Improvement of Existing Street No 2229; \$143,593.01; 10 installments for assessments of more than \$150 - 4.0% interest - Levy 01026 - Project 2229R.

7. Fremont Avenue North (Broadway to Lowry Av) Street Renovation Project, Special Improvement of Existing Street No 2230; \$224,190.07; 10 installments for assessments of more than \$150 - 4.0% interest - Levy 01026 - Project 2230R; 1 installment for assessments of \$150 or less - 4.0% interest - Levy 01026 - Project R2230.
8. Heritage Park Redevelopment Phase III - Rental Housing Project No 9746:
 - a. Street Improvements; \$435,100 principal; 20 installments for assessments of more than \$150 - 4.30% interest - Levy 01026 - Project 97463.
 - b. Street Lighting; \$91,700 principal; 20 installments for assessments of more than \$150 - 4.30% interest - Levy 1026L - Project 97463.
 - c. Sidewalk Construction; \$54,700 principal; 20 installments for assessments of more than \$150 - 4.30% interest - Levy 01052 - Project 97463
 - d. Water Mains; \$218,500 principal; 20 installments for assessments of more than \$150 - 4.30% interest - Levy 01029 - Project 97463.
 - e. Sanitary Sewers; \$155,500 principal; 20 installments for assessments of more than \$150 - 4.30% interest - Levy 01021 - Project 97463.
9. 2005 Alley Resurfacing Program, Special Improvement of Existing Alleys No FS05#1; \$53,125.08 principal; 5 installments for assessments of more than \$150 - 4.0% interest - Levy 01013 - Project FS051; 1 installment for assessments of \$150 or less - 4.0% interest - Levy 01013 - Project 051FS.
10. 2005 Alley Retaining Wall Program, Special Improvement of Existing Alleys No FS05#2; \$13,500 principal; 20 installments for assessments of more than \$150 - 4.30% interest - Levy 01013 - Project FS052.
11. 2005 Alley Retaining Wall Program, Special improvement of Existing Alleys No FS05#3; \$12,500 principal; 20 installments for assessments of more than \$150 - 4.30% interest - Levy 01013 - Project FS053.
12. a. Hennepin Avenue Theatre District Street Lighting Project, Special Improvement of Existing Street No 2221; \$240,389 (reduced from \$706,009 due to a reduction in costs); 20 installments for assessments of more than \$150 - 4.30% interest - Levy 01026 - Project 2221L; 1 installment for assessments of \$150 or less - 4.0% interest - Levy 01026 - Project L2221.
 - b. Giving final approval for Street Lighting District No 1290 (said district having been established for the Hennepin Avenue Theatre District Street Lighting Project No. 2221); annual operation and maintenance costs in said district - \$20,064 - Levy 01023 - Project 1290.
13. a. Loring Park (West Side) Street Lighting Project, Special Improvement of Existing Street No 2250; \$24,638.06 principal (reduced from \$160,000 due to reduction in final cost and contributed NRP funds); 20 installments for assessments of more than \$150 - 4.30% interest - Levy 01026 - Project 2250L; 1 installment for assessments of \$150 or less - 4.0% interest - Levy 01026 - Project L2250.
 - b. Giving final approval for Street Lighting District No 1296 (said district having been established for the Loring Park Street Lighting Project No 2250); annual operation and maintenance costs in said district - \$1,731.78 - Levy 01023 - Project 1296.
14. a. Lowry Hill East Street Lighting Project, Special Improvement of Existing Street No 2249; \$665,308.21 principal (reduced from \$1,830,000 due to reduction in final cost and contributed NRP funds); 20 installments for assessments of more than \$150 - 4.30% interest - Levy 01026 - Project 2249L; 1 installment for assessments of \$150 or less - 4.0% interest - Levy 01026 - Project L2249.
 - b. Giving final approval for Street Lighting District No 1295 (said district having been established for the Lowry Hill East Street Lighting Project No 2249); annual operation and maintenance costs in said district - \$312.23 - Levy 01023 - Project 1295.
15. Irving Avenue N Sanitary Sewer Project, Special Improvement of Existing Street No 4376; \$55,783.52 principal (reduced from \$59,954.96 due to reduction in final cost); 20 principal installments for assessments of more than \$150 - 4.30% interest - Levy 01021 - Project 4376S.

16. Project No 2006, Snow and Ice Removals from Public Sidewalks; \$29,895.06 principal (reduced from \$30,809.61 due to prepayments); 1 installment - 4.0% interest - Levy 01057 - Project 06SI1.
17. Project No 2006, Public Sidewalk Repair and Construction; \$1,072,212.10 principal (reduced from \$1,084,174.42 due to prepayments); 10 installments for assessments of more than \$1500 - 4.0% interest - Levy 01052 - Project 06S10; 5 installments for assessments of more than \$150 up to \$1500 - 4.0% interest - Levy 01052 - Project 06S05; 1 installment for assessments \$150 or less - 4.0% interest - Levy 01052 - Project 06S01.
18. Project No 2006, Water Service Line Repairs; \$399,263.70 principal (reduced from \$408,052.70 due to prepayments); 5 installments at 8% interest - Levy 01028 - Project - 06WTR.
19. Project No 2006 Sewer Service Line Repairs; \$60,935.55 principal (reduced from \$66,105.55 due to prepayments); 5 installments at 8% interest - Levy 01083 - Project 06SWR.
20. Street Maintenance annual assessments against non-governmental real property exempt from ad valorem taxes: \$0.45 per front foot.
21. Street Lighting Operation and Maintenance annual assessment against non-governmental real property exempt from ad valorem taxes; assessment rates for Street Lighting Districts as listed in Petn No 270796.

Adopted 11/18/05.

Absent - Colvin Roy.

The **TRANSPORTATION & PUBLIC WORKS** and **WAYS & MEANS/BUDGET** Committees submitted the following reports:

T&PW & W&M/Budget - Your Committee, having under consideration the Vineland Place Municipal Parking Ramp (Walker Art Center Parking Facility) special assessment, and having held a public hearing thereon, now recommends passage of the accompanying Resolution:

- a) Adopting the special assessment, payable beginning in 2006;
- b) Levying the assessment and adopting the assessment roll; and
- c) Directing the City Clerk to transmit certified copies of the assessment roll to the Hennepin County Auditor.

Auditor.

Adopted 11/18/05.

Absent - Colvin Roy.

Resolution 2005R-632, levying the special assessments and adopting the assessment roll for the Vineland Place Municipal Parking Ramp (Walker Art Center Parking Facility), was adopted 11/18/05 by the City Council. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized resolution.

RESOLUTION 2005R-632
By Colvin Roy and Johnson

Vineland Place Municipal Parking Ramp (Walker Art Center Parking Facility), levying the special assessments and adopting the assessment roll.

Whereas, Minnesota Statutes, Section 459.14, Subdivision 7, as amended, and Section 429.011 to 429.091, as amended, (Automobile Parking Facilities) authorizes the City of Minneapolis to acquire property interests, construct parking facilities, operate and maintain parking facilities and finance parking facilities through special assessments against benefited properties; and

Whereas, the City of Minneapolis has approved the development of the Vineland Place Municipal Parking Ramp (Walker Art Center Parking Facility) as more particularly described in Resolution 2002R-235, passed July 12, 2002, as contained in Petn No 268027, and authorized the issuance and sale of General Obligation Parking Assessment Bonds and declared the City's intent to reimburse expenditures

from tax-exempt bonds as more particularly described in Resolutions 2002R-251 and 2002R-252, passed July 12, 2002, as contained in Petn No 268048, on file in the office of the City Clerk; and

Whereas, an assessment public hearing has been waived by the benefited property owner, Walker Art Center, for the benefited property described as:

Block 1, Lowry Hill, Hennepin County, Property ID 28-029-24-41-0047, as contained in Petn No. 270797 on file in the office of the City Clerk; and

Whereas, the City Engineer has recommended the amount to be specially assessed is \$12,500,000 over a term of 21 years with the payable 2006 to be three (3) principal installments in the total amount of \$1,630,440 and the remaining principal balance to be in equal annual principal installments of \$543,478 payable 2007 thru 2026 without interest charges;

Now, Therefore, Be It Resolved by The City Council of The City of Minneapolis:

That the proposed special assessments in the amount of \$12,500,000, as on file in the office of the City Clerk, be and hereby are adopted and levied upon the benefited property.

Be It Further Resolved that the number of successive annual principal installments by which the special assessments may be paid shall be fixed at twenty-one (21) without interest charges, and that the assessment roll imposed for collection in 2006 shall be for 3 principal installments in the total amount of \$1,630,440, with the balance to be collected in equal annual installments of \$543,478.

Be It Further Resolved that the special assessment rolls, as prepared by the City Engineer, be and hereby are adopted and that the City Clerk is hereby directed to transmit certified copies to the assessment rolls to the Hennepin County Auditor.

Adopted 11/18/05.

Absent - Colvin Roy.

T&PW & W&M/Budget - Your Committee, having under consideration the construction of the Columbia Heights Membrane Filtration Plant, now recommends that the proper City Officers be authorized to execute Change Order No. 4, Amendment 2, increasing Contract No. C-19530 with Adolfsen and Peterson, by \$581,024, for a revised contract total of \$36,337,127.78. Funds are available within the existing project budget.

Adopted 11/18/05.

Absent - Colvin Roy.

T&PW & W&M/Budget - Your Committee recommends that the proper City Officers be authorized to issue a Request for Proposals (RFP) for the engineering services required to design, procure, and install diesel-fueled electrical generation equipment, with possible alternative fuel usage, at the Fridley Water Works Facility. Funds are available in the 2006 project budget.

Adopted 11/18/05.

Absent - Colvin Roy.

Approved by Mayor Rybak 11/21/05.

(Published 11/22/05)

The **WAYS & MEANS/BUDGET** Committee submitted the following reports:

W&M/Budget - Your Committee, to whom was referred an ordinance amending Title 2, Chapter 20 of the Minneapolis Code of Ordinances relating to *Administration: Personnel*, clarifying the terms of Section 20.900 relating to COBRA Medical and Dental Insurance Premiums and changing the expiration date to December 31, 2008, and having held a public hearing thereon, now recommends that said ordinance be given its second reading for amendment and passage.

Adopted 11/18/05.

Absent - Colvin Roy.

Ordinance 2005-Or-132 amending Title 2, Chapter 20 of the Minneapolis Code of Ordinances relating to *Administration: Personnel*, clarifying the terms of Section 20.900 relating to COBRA Medical and Dental Insurance Premiums and changing the expiration date to December 31, 2008, was adopted 11/18/05 by the City Council. A complete copy of this ordinance is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized ordinance.

ORDINANCE 2005-Or-132
By Johnson
Intro & 1st Reading: 11/4/05
Ref to: W&M/Budget
2nd Reading: 11/18/05

Amending Title 2, Chapter 20 of the Minneapolis Code of Ordinances relating to Administration: Personnel.

The City Council of The City of Minneapolis do ordain as follows:

Section 1. That Section 20.900 of the above-entitled ordinance be amended to read as follows:

20.900. Insurance continuation. All employees whose positions are eliminated pursuant to this ordinance and who are laid off shall ~~have their~~ be provided the following with respect to COBRA continuance of medical health and dental insurance ~~continue as follows:~~

(1) ~~The level of coverage, single or family, shall continue at the level of coverage in effect for the laid off employee as of the date of layoff.~~

(2) ~~The health/dental plan that shall be continue shall be the plan in effect for the employee as of the date of layoff.~~

(3) ~~The city shall pay one hundred (100) percent of the premiums for the first six (6) months of COBRA continuance at the level of coverage and plan selected by the employee and in effect on the date of the layoff.~~

(1) If an employee elects to continue medical insurance through COBRA, the city shall pay one hundred (100) percent of the premium for medical insurance for the first six (6) months of COBRA continuance at the level of coverage, single or family, in effect on the date of the layoff and for the medical plan in effect on the date of the layoff.

(2) If an employee elects to continue dental insurance through COBRA, the city shall pay one hundred (100) percent of the premium for dental insurance for the first six (6) months of COBRA continuance at the level of coverage, single or family, in effect on the date of the layoff and for the dental plan in effect on the date of the layoff.

The terms of section 20.900 relating to the continuation of insurance benefits will expire on December 31, 2005~~8~~. The city ~~counse~~ council must take specific action to extend the terms of section 20.900 relating to the continuation of insurance benefits if the city ~~counse~~ council ~~wants~~ those specific insurance benefits to apply to laid off employees after December 31, 2005~~8~~.

Adopted 11/18/05.

Absent - Colvin Roy.

W&M/Budget - Your Committee recommends passage of the accompanying Resolution authorizing settlement of legal matters, as recommended by the City Attorney.

Adopted 11/18/05.

Absent - Colvin Roy.

Resolution 2005R-633, authorizing settlement of the legal claims of Boone Trucking, Shamina Fitzpatrick, Tracy L. House, Dadirow Mohamed, and Matthew Rissanen, was adopted 11/18/05 by the City Council. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized resolution.

RESOLUTION 2005R-633

By Johnson

Authorizing legal settlements.

Resolved by The City Council of The City of Minneapolis:

That the City Attorney is authorized to proceed with settlement of:

- a) Boone Trucking, by payment of \$3,000 to Tatanka Concrete and Masonry and its attorney, David Shulman;
- b) Shamina Fitzpatrick, by payment of \$6,500 to Ms. Fitzpatrick and her attorney, James Daniels;
- c) Tracy L. House, by payment of \$12,500 to Ms. House and her attorney, Michael D. Swor;
- d) Dadirow Mohamed, by payment of \$12,000 to Mr. Mohamed and his attorney, Rossini & Rossini, P.A.;
- e) Matthew Rissanen, by payment of \$40,000 to Mr. Rissanen and his attorney, Eric Hageman.

Be It Further Resolved that the proper City officers be authorized to execute any documents necessary to effectuate said settlements.

Adopted 11/18/05.

Absent - Colvin Roy.

W&M/Budget - Your Committee recommends that the proper City officers be authorized to execute a three-year contract with LexisNexis for online legal research services.

Adopted 11/18/05.

Declining to vote - Benson.

Absent - Colvin Roy.

W&M/Budget - Your Committee, having under consideration the New Central Library Project, now recommends acceptance of the low bid of Dascom Systems Group, Inc. (as outlined in Petn No. 270801), for items indicated in the plans and specifications. All this work including furnishing and delivery all material, labor, equipment and incidentals necessary to accomplish the work of Contract #17, "Audio Visual Systems", all in accordance with the plans, specifications and addenda prepared by Architectural Alliance.

It is further recommended that the proper Library Board and City officers be authorized and directed to execute the contracts for said services.

Adopted 11/18/05.

Absent - Colvin Roy.

Approved by Mayor Rybak 11/21/05.

(Published 11/22/05)

W&M/Budget - Your Committee recommends approval of the January 2006 utility billing insert on behalf of the 311/911 (formerly MECC) announcing the new Minneapolis 311 services.

Adopted 11/18/05.

Absent - Colvin Roy.

(Republished 1/7/06)

W&M/Budget - Your Committee recommends that the proper City officers be authorized to extend the existing contract for 1-year with Hennepin County for the City to provide Computer Aided Dispatch (CAD) System services and support to the Hennepin County Medical Center for the period from January 1, 2006 to December 31, 2006.

Adopted 11/18/05.

Absent - Colvin Roy.

W&M/Budget - Your Committee recommends that the 2005 special tax assessments for delinquent utility charges be approved, as indicated in the assessment roll adopted as part of this action and set forth in Petn No 270803 on file in the Office of the City Clerk.

Adopted 11/18/05.

Absent - Colvin Roy.

W&M/Budget - Your Committee recommends passage of the accompanying resolution approving the terms of a 2-year labor agreement with the International Brotherhood of Electrical Workers (IBEW), Local #292 Electrical Inspectors Unit, effective May, 1 2004 through April 30, 2006 and authorizing the legal settlement of IBEW, Local #292 v. City of Minneapolis.

Adopted 11/18/05.

Absent - Colvin Roy.

Resolution 2005R-634, approving the terms of a 2-year labor agreement with the International Brotherhood of Electrical Workers (IBEW), Local #292 Electrical Inspectors Unit and authorizing the legal settlement of IBEW, Local #292 v. City of Minneapolis, was adopted 11/18/05 by the City Council. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized resolution.

RESOLUTION 2005R-634

By Johnson

Approving the terms of a collective bargaining agreement with the International Brotherhood of Electrical Workers, Local #292 Electrical Inspectors Unit and authorizing execution and implementation of said agreement and authorize the legal settlement of IBEW, Local #292 v. City of Minneapolis.

Resolved by The City Council of The City of Minneapolis:

That the executive summary of the collective bargaining agreement between the City of Minneapolis and the International Brotherhood of Electrical Workers, Local #292 Electrical Inspectors Unit (as set forth in Petn No 270804), be approved.

Be It Further Resolved that the proper City officers be authorized to prepare and execute said collective bargaining agreement consistent with the terms of the executive summary and that the Human Resources Director be authorized to implement the terms and conditions of the collective bargaining agreement upon its execution.

Be It Further Resolved that the proper City officers be authorized to settle the legal matters of International Brotherhood of Electrical Workers, Local #292 v. City of Minneapolis (as set forth in Petn No 270799), and that the City Attorney be authorized to execute any documents necessary to effectuate said settlement.

Adopted 11/18/05.

Absent - Colvin Roy.

The **ZONING & PLANNING** Committee submitted the following reports:

Z&P - Your Committee, having under consideration the appeal filed by Doug and Gretchen Gildner from the decision of the Board of Adjustment which granted applications of Cher and Scott Harris for a variance to reduce the front yard setback established by connecting a line between the front two corners of the two adjacent residential structures along Park Lane from 34' to 19', and a variance to reduce the required north side yard setback from 6' to 3.2' to allow for a second-story addition at 21 Park Lane, subject to a) City review and approval of the final site and elevation plans; b) exterior materials of the addition matching the exterior materials of the existing dwelling; and c) adherence to Section 535.90(d)

of the zoning code, now recommends that said appeal be denied and the decision of the Board of Adjustment be upheld, and that the findings of fact prepared by the Department of Community Planning & Economic Development staff be adopted.

Adopted 11/18/05.

Absent – Colvin Roy.

Z&P - Your Committee, having under consideration the appeal filed by Lund Food Holdings, Inc from the decision of the Heritage Preservation Commission (HPC) approving an application for a Certificate of Appropriateness for the rehabilitation of the historic Sturr-Bullard Motor Company building at 1208 Harmon Place, subject to conditions that a) except for the two storefronts allowed on the side elevation of the building (west), none of the historic window openings can be enlarged or relocated, and they must retain their historic size and location; b) the historic chimney must be repaired and maintain its historic height; c) when the brick chimney is removed from the interior of the building, the brick must be salvaged and used to restore the chimney to its original height on the exterior of the building; and d) the metal canopy proposed for the Harmon Place façade (south) is not approved, now recommends that said appeal be granted, with the direction that HPC staff work with the applicant to provide a less visible bracket arrangement on the metal canopy proposed for the Harmon Place facade, with final drawings to be approved by staff.

Adopted 11/18/05.

Absent – Colvin Roy.

Z&P - Your Committee, having under consideration the appeal filed by Scott Durand, on behalf of Christopher Rodarte, from the decision of the Planning Commission which denied an application for a variance to increase the maximum floor area of an accessory structure from 676 square feet to 1,173 square feet to allow a detached garage for the existing duplex at 3509 W 28th St, now recommends that said appeal be denied, and that the related findings prepared by the Community Planning & Economic Development staff be adopted.

Adopted 11/18/05.

Absent – Colvin Roy.

Z&P - Your Committee, having under consideration the appeal filed by The Lander Group from the decision of the Planning Commission which denied applications for a) a conditional use permit to increase the maximum permitted height in the Shoreland Overlay District from 2.5 stories/35 feet to 10 stories/116 feet; and b) a variance to increase the maximum permitted lot coverage from 70 percent to 78.7 percent, for a mixed-use development including 70 dwelling units and one neighborhood serving retail sales and services space at 2622 W Lake St, now recommends that said appeal be denied, and that the related findings prepared by the Community Planning & Economic Development staff and City Attorney be adopted and made a part of this report by reference.

Schiff moved that the report be deleted. Seconded.

Adopted upon a voice vote 11/18/05.

Absent – Colvin Roy.

Z&P - Your Committee, having under consideration the appeal filed by D. Brad Frederiksen from the decision of the Planning Commission which approved applications of The Lander Group for a conditional use permit for 70 dwelling units; conditional use permit for a neighborhood serving retail sales and service use; variance of the corner side yard setback from the required 15' to a distance between 8' and 12'; variance of the interior side yard setback from the required 23' to a distance between 5' and 10'; variance of the front yard setback from the required 15' to a distance between 8' and 15'; variance of the rear yard setback from the required 23' to 15'; and site plan review, all for a mixed-use development including 70 dwelling units and one neighborhood serving retail sales and services space at 2622 W Lake St, now recommends:

a) Denying the appeal relating to the conditional use permit for 70 dwelling units;

b) Denying the appeal relating to the conditional use permit for a neighborhood serving retail sales and service use;

- c) Granting the appeal relating to the variance of the corner side yard setback from the required 15' to a distance between 8' and 12';
 - d) Granting the appeal relating to the variance of the interior side yard setback from the required 23' to a distance between 5' and 10';
 - e) Forwarding without recommendation the appeal relating to the variance of the front yard setback from the required 15' to a distance between 8' and 15';
 - f) Forwarding without recommendation the appeal relating to the variance of the rear yard setback from the required 23' to 15';
 - g) Granting the appeal relating to site plan review.
- Schiff moved that the report be deleted. Seconded.
Adopted upon a voice vote 11/18/05.
Absent – Colvin Roy.

Z&P - Your Committee, having under consideration the environmental review process for the Loring Park Development Project, a mixed-use development at 1367 Willow St and 1368 LaSalle Ave, and having received the recommendation of City staff that the Environmental Assessment Worksheet is adequate, now recommends that the Council not order the development of an Environmental Impact Statement, and that the Findings of Fact and Record of Decision set forth in Petn No 270807 be adopted.
Adopted 11/18/05.
Absent – Colvin Roy.

MOTION

Zimmermann moved to grant the license application submitted by Jack of All Construction Trades Inc, dba Jack of All Construction Trades, 3615 Dupont Av N, for a Wrecker of Buildings Class B License (new business) to expire December 1, 2005. Seconded.
Adopted 11/18/05.
Yeas - 11; Nays, 1 as follows:
Yeas - Lilligren, Johnson Lee, Niziolek, Benson, Goodman, Lane, Samuels, Johnson, Zimmermann, Zerby, Ostrow.
Nays - Schiff.
Absent - Colvin Roy.

Niziolek introduced the following ordinances amending Title 12 of the Code of Ordinances relating to *Housing*, which were given their first reading and referred to the Public Safety & Regulatory Services Committee, for a public hearing to be held December 14, 2005 (requiring a Truth In Housing disclosure report for condominium conversions): a. Chapter 248 relating to *Truth In Sale of Housing*; b. Chapter 250 relating to *Condominium Conversions*, amending Section 250.120 entitled "*Truth-in-housing disclosure report required*."

RESOLUTION

Resolution 2005R-635, amending Resolution No. 2005R-023 entitled, "Authorizing Agreements for the Fabrication and Installation of Artwork in the New Central Library," passed January 14, 2005; by deleting item "d" regarding artwork by Ta-coumba Ailken, was adopted 11/18/05 by the City Council. A complete copy of this resolution is available for public inspection in the office of the City Clerk.
Adopted 11/18/05.
Absent - Colvin Roy.

The following is the complete text of the unpublished summarized resolution.

RESOLUTION 2005R-635

By Johnson

Amending Resolution No. 2005R-023 entitled, "Authorizing Agreements for the Fabrication and Installation of Artwork in the New Central Library," passed January 14, 2005.

Resolved by The City Council of The City of Minneapolis:

That the above entitled Resolution be amended by deleting item "d" regarding artwork by Ta-coumba Ailken.

Adopted 11/18/05.

Absent - Colvin Roy.

UNFINISHED BUSINESS

Comm Dev— Your Committee, having under consideration passage of the accompanying resolution granting preliminary and final approval of up to \$3,250,000 in tax-exempt Multifamily Housing Development Revenue Bonds for a project at 2100 Bloomington Av S, now recommends that said resolution be **sent forward without recommendation**.

Zimmermann moved to amend the report to delete the language "sent forward without recommendation" and insert in lieu thereof, "approved." Seconded.

Adopted by unanimous consent.

The report, as amended, was adopted 11/18/05.

Absent – Colvin Roy.

Resolution 2005R-636, giving preliminary and final approval to the issuance of tax-exempt Multifamily Housing Development Revenue Bonds for a project at 2100 Bloomington Av S, was adopted 11/18/05 by the City Council. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized resolution.

RESOLUTION 2005R-636

By Goodman

Reciting a proposal for a multifamily housing development project, taking official action with respect thereto, and indicating preliminary intent, subject to certain conditions, to assist the financing of the project pursuant to Minnesota Statutes, Chapter 462C.

Whereas, a) The City of Minneapolis (the "City") is authorized pursuant to Minnesota Statutes, Chapter 462C, as amended (the "Act") to finance the making or purchasing of loans with respect to multifamily housing developments within the boundaries of the City through the issuance of revenue bonds;

b) Pursuant to the Act, the full faith and credit of the City will not be pledged to the payment of the principal of, premium, if any, and interest on the revenue bonds;

c) The City has received a proposal from 2100 Bloomington, Limited Partnership, a Minnesota limited partnership (the "Company"), that the City assist in financing a Project hereinafter described, through the issuance of revenue bonds or a single note, in the principal amount of approximately \$3,500,000 (hereinafter referred to as "Revenue Bonds") pursuant to the Act and in accordance with a housing finance program prepared with respect to the Project;

d) The undertaking of the proposed Project and the issuance of the Revenue Bonds to finance the cost thereof will further promote the public purposes and legislative objectives of the Act by expanding and assisting the multifamily housing facilities available in the City;

e) The Project to be financed by the Revenue Bonds is the acquisition and renovation of a 90-unit multifamily housing facility in the Ventura Village neighborhood of the City at 2100 Bloomington Avenue (the "Project");

f) The City has been advised by representatives of the Company that conventional, commercial financing to pay the capital cost of the Project is available only at such high costs of borrowing that the economic feasibility of operating the Project would be significantly reduced;

g) No public official of the City has either a direct or indirect financial interest in the Project nor will any public official either directly or indirectly benefit financially from the Project.

Now, Therefore, Be It Resolved by The City Council of The City of Minneapolis as follows:

1. The Council hereby indicates its preliminary intent to undertake the Project pursuant to the Act and to issue the Revenue Bonds in the principal amount of approximately \$3,500,000 pursuant to the Act to finance the Project. Such preliminary intent is conditioned upon the Company providing evidence to the City and its staff that additional funds are available to the Company to finance the Project, including, among other sources, tax credit equity and low interest loans.

2. On the basis of information available to the City it appears, and the City hereby finds, that the Project constitutes a multifamily housing development within the meaning of Section 462C.05 of the Act; that the availability of financing under the Act and the willingness of the City to furnish such financing will be a substantial inducement to the Company to undertake the Project, and that the effect of the Project, if undertaken, will be to encourage the provision of multifamily rental housing opportunities to residents of the City at a reasonable cost.

3. The City hereby gives preliminary approval of the Project and the issuance of the Revenue Bonds. The City staff is hereby authorized to cause to be prepared and published a notice of public hearing with respect to the Project.

4. The issuance of the Revenue Bonds by the City is subject to, among other things, consideration of any comments presented at the public hearing, and final approval by this Council, the Company, the owner of the Project and the purchaser of the Revenue Bonds as to the ultimate details of the financing of the Project.

5. The Company has agreed and it is hereby determined that any and all costs incurred by the City in connection with the financing of the Project whether or not the Project is carried to completion and whether or not approved by the City will be paid by Company.

6. Nothing in this resolution or in the documents prepared pursuant hereto shall authorize the expenditure of any municipal funds on the Project other than the revenues derived from the Project or otherwise granted to the City for this purpose. The Revenue Bonds shall not constitute a charge, lien or encumbrance, legal or equitable, upon any property or funds of the City except the revenue and proceeds pledged to the payment thereof, nor shall the City be subject to any liability thereon. The holder of the Revenue Bonds shall never have the right to compel any exercise of the taxing power of the City to pay the outstanding principal on the Revenue Bonds or the interest thereon, or to enforce payment thereof against any property of the City. The Revenue Bonds shall recite in substance that the Revenue Bonds, including interest thereon, is payable solely from the revenue and proceeds pledged to the payment thereof. The Revenue Bonds shall not constitute a debt of the City within the meaning of any constitutional or statutory limitation.

7. It is the purpose of this resolution to evidence the commitment of the parties and their intentions with respect to the proposed Project in order that the Company may proceed without delay with the commencement of the acquisition, construction and equipping of the Project with the assurance that there has been sufficient "official intent" within the meaning of Treasury Regulations Section 1.150-2(d) to permit Project costs incurred within sixty (60) days prior to the date of adoption of this Resolution to be financed by the issuance of multifamily revenue bonds to finance the entire cost of the Project upon agreement being reached as to the ultimate details of the Project and its financing.

Adopted 11/18/05.

Absent – Colvin Roy.

Comm Dev – Your Committee, having under consideration a proposal of The Minnesota Opera Company to purchase and rehabilitate a former warehouse located at 749 Stinson Blvd NE and a request for revenue bond financing, now recommends passage of the accompanying resolution giving preliminary and final approval to the issuance of up to \$1.3 million in Bank Qualified Bank Direct 501(c)(3) Revenue Bonds for The Minnesota Opera Company.

Your Committee further recommends that the subject matter be forwarded to the Minneapolis Community Development Agency (MCDA) Board of Commissioners.

Goodman moved to substitute the following report for the above report. Seconded.

Adopted by unanimous consent.

Absent - Colvin Roy.

Comm Dev – Your Committee, having under consideration a proposal of The Minnesota Opera Company to purchase and rehabilitate a former warehouse located at 749 Stinson Blvd NE and a request for revenue bond financing, now recommends passage of the accompanying resolution giving preliminary and final approval to the issuance of up to \$1.4 million in Bank Qualified Bank Direct 501(c)(3) Revenue Bonds for The Minnesota Opera Company.

Your Committee further recommends that the subject matter be forwarded to the Minneapolis Community Development Agency (MCDA) Board of Commissioners.

The substitute report was adopted 11/18/05.

Absent – Colvin Roy.

Approved by Mayor Rybak 11/21/05.

(Published 11/22/05)

Resolution 2005R-637, giving preliminary and final approval to the issuance of revenue bonds for The Minnesota Opera Company project at 749 Stinson Blvd NE, was adopted 11/18/05 by the City Council. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized resolution.

RESOLUTION 2005R-637

By Goodman

Giving preliminary and final approval to and authorizing the financing of a project on behalf of the Minnesota Opera Company (the “Company”), and authorizing the issuance of a revenue bond of the Minneapolis Community Development Agency therefor.

Whereas, pursuant to Laws of Minnesota 1980, Chapter 595, as amended (“Chapter 595”), the City Council of the City of Minneapolis, Minnesota (the “City”) established the Minneapolis Community Development Agency (the “Agency”) and granted certain powers and duties to the Agency; and

Whereas, pursuant to such granted powers, the Agency has been authorized to issue revenue obligations for various purposes; and

Whereas, it has been proposed that the Agency issue a revenue bond in an amount not to exceed \$1,400,000 (the “Bond”) to finance the acquisition and renovation by the Company of a building currently leased by the Company and located at 749 Stinson Boulevard N.E. in the City, and used by the Company as a storage facility (the “Project”); and

Whereas, the property included in the Project will be owned by the Company, which is a Minnesota nonprofit corporation;

Whereas, the Agency expects to give final approval to the issuance of the Bond by a resolution to be adopted on the date hereof; and

Whereas, the Bond shall bear interest at a fixed interest rate expected to not exceed 6.00% per annum, shall have a final maturity date not later than December 1, 2020, and shall have such other terms as required or permitted by the Agency’s resolution, which terms are to be incorporated herein by reference;

Now, Therefore, Be It Resolved by The City Council of The City of Minneapolis:

That the City Council hereby gives preliminary and final approval to the issuance by the Agency of the Bond in a principal amount not to exceed \$1,400,000 for the purpose of financing the Project.

That the Bond is hereby designated as a "Program Bond" and is determined to be within the "Economic Development Program" and the "Program," all as defined in Resolution 88R-021 of the City adopted January 29, 1988, and as amended by Resolution 97R-402 of the City adopted December 12, 1997.

Adopted 11/18/05.

Absent – Colvin Roy.

NEW BUSINESS

Zimmermann introduced the following ordinances amending Title 20 of the Code of Ordinances relating to *Zoning Code*, which were given their first reading and referred to the Zoning & Planning Committee (adding antique dealers to the uses that may include outdoor sales and displays): a. Chapter 548 relating to *Commercial Districts*; b. Chapter 549 relating to *Downtown Districts*; c. Chapter 550 relating to *Industrial Districts*.

Lane was given a Point of Personal Privilege to announce that he has submitted to Council President Ostrow his Notice of Vacation of Office, which will be effective on December 2, 2005 at 9:30 a.m, and that Council Member Elect Betsy Hodges would be sworn in on said date to fill the remainder of his unexpired term. (Petn No 270812)

VISITOR TO THE COUNCIL

Brooklyn Park Mayor Steve Lampi presented Resolution #2005-311 to the City of Minneapolis entitled "*Resolution Commending the City of Minneapolis for the very timely and important assistance given to the City of Brooklyn Park in response to the September 21, 2005 storm which devastated Brooklyn Park*", as set forth in Petn No 270813 on file in the Office of the City Clerk.

Lilligren moved to adjourn to Room 315 City Hall to consider the *Arndt v. City of Minneapolis* lawsuit. Seconded.

Adopted upon a voice vote 11/18/05.

Absent - Colvin Roy.

Room 315 City Hall

Minneapolis, Minnesota

November 18, 2005 - 10:29 a.m.

The Council met pursuant to adjournment.

Council President Ostrow in the Chair.

Present - Council Members Lilligren, Niziolek, Benson, Lane, Samuels, Johnson, Zimmermann, Schiff, Zerby, President Ostrow.

Absent – Council Members Johnson Lee, Goodman, Colvin Roy.

Heffern stated that the meeting may be closed for the purpose of discussing attorney-client privileged matters involving the *Arndt v. City of Minneapolis* lawsuit.

At 10:30 a.m., Lilligren moved that the meeting be closed. Seconded.

Adopted upon a voice vote.

Present - Council Members Lilligren, Niziolek (Out at 10:53; In at 10:56 a.m.), Benson (In at 10:31; Out at 10:41; In at 10:48 a.m.), Goodman (In at 11:09 a.m.), Lane, Samuels, Johnson, Zimmermann (In at 10:34 a.m.), Schiff, Zerby, President Ostrow.

Absent – Council Members Johnson Lee, Colvin Roy.

Also present - Jay Heffern, City Attorney; Peter Ginder, Deputy City Attorney; James Moore, Assistant City Attorney; Don Harris, Deputy Police Chief; Peter Wagenius, Mayor's Office; Anne Roth, City Clerk's Office; Jackie Hanson, City Clerk's Office; and Merry Keefe, City Clerk.

Moore summarized the *Arndt v. City of Minneapolis* lawsuit from 10:30 a.m. to 11:11 a.m.

At 11:12 a.m., Schiff moved that the meeting be opened. Seconded.

Adopted upon a voice vote.

Absent - Johnson Lee, Colvin Roy.

Schiff moved that the City Attorney be authorized to settle the case of Jeffrey Arndt v. City of Minneapolis, United States District Court File No. 03-5318 DWF/SRN in the amount of \$412,500.00 payable from Fund/Org 6900 150 1500 4000 and that the City Attorney's Office be authorized to execute any documents necessary to effectuate the settlement. Seconded.

Adopted 11/18/05.

Declining to vote - Goodman.

Absent - Johnson Lee, Colvin Roy.

The adjourned session of the City Council meeting was tape recorded with the tape on file in the office of the City Clerk.

Lilligren moved to adjourn. Seconded.

Adopted by unanimous consent 11/18/05.

Absent - Johnson Lee, Colvin Roy.

Merry Keefe,
City Clerk.

Unofficial Posting: 11/21/2005
Official Posting: 11/23/2005
Correction: 01/26/2006; 2/23/2006